

TOWN OF CHEVERLY, MARYLAND  
MAYOR AND TOWN COUNCIL

WORKSESSION  
NOVEMBER 29, 2018  
7:30PM

**AGENDA**

1. Pledge of Allegiance
2. Boys and Girls Club Grant Request
3. Grant Request – Food Forest – Kilmer Street Park
4. Variance Request – Woodway Place: Recommendation from Interim Town Administrator
5. Ethics Commission Update – Recommendation from Interim Town Administrator
6. Smith Property Booms
7. Air Quality Monitoring Proposal
8. Liquor Board Application.— De’Ranch Restaurant: Recommendation from Interim Town Administrator
9. Purchasing Procedures - Recommendation from Interim Town Administrator
10. MML Sponsorships
11. 63<sup>rd</sup> Avenue Drainage Complaint Report
12. Council Updates

## 2. Boys and Girls Club Grant Request

# *Cheverly*

## GRANT ACQUISITION AGREEMENT FORM

All grants issued by the Mayor and Cheverly Town Council are from appropriated funds of the Town of Cheverly and must be accounted for to specified auditing standards.

Name: Larry Fry Phone: 908-307-5285

Address: 2907 Hillside Ave.  
Cheverly, MD 20785

Organization:  
Cheverly Boys and Girls Club

I hereby agree NOT to expend funds allocated to the designated organization for salaries, stipends and/or personal income.

As duly authorized by the above named organization to accept this grant, I assume full responsibility for the proper expenditure of funds for the requested expenses and will report to the town staff the manner in which expended.

Receipts and a full accounting of all grant funds are required by the end of the given Fiscal Year ending June 30<sup>th</sup>.

I also understand that the funds provided are not for my own personal use, and that violation of this agreement will result in the reimbursement to the Town of Cheverly of any/all funds spent outside the parameters as denoted in the grant application.

Date: 11/26/18   
Signature of Grant Recipient

PLEASE ATTACH THE FOLLOWING:

THE PURPOSE OF THE GRANT REQUEST.

A DETAILED DESCRIPTION OF THE PROJECT/PROGRAM YOU WISH TO EXECUTE WITH THE CHEVERLY GRANT PROGRAM FUNDING.

A DETAILED ACCOUNTING OF AMOUNTS AND ACTIVITIES/ITEMS FOR WHICH THE GRANT FUNDS SHALL BE UTILIZED.

A DETAILED TIMELINE FOR THE EXPENDITURE OF FUNDS.

THE OVERALL BENEFIT TO THE COMMUNITY.

The Cheverly Boys and Girls Club seek a grant of \$2,000. The Boys and Girls Club strives to make our sports programs available to all the children of Cheverly regardless of family income and/or ability to pay.

This specific grant request is made for the following purposes:

1. To subsidize the registration and uniform fees for children who wish to play in the intramural basketball league and intramural tee ball/baseball league whose families cannot afford to pay those fees in full.
2. To subsidize the registration, uniform, and county pass-through fee for children who wish to participate in CBGC sponsored county teams in basketball and baseball whose families cannot afford to pay those fees in full.
3. To help fund advertising and marketing of the club's sporting opportunities, to further our reach to eligible participants in the community, including an upgrading of the club website and creating a social media presence.

The specific amount and activities stated in numbers 1 and 2 above shall be determined upon registration for basketball (December/January) and for baseball/tee ball (March/April), once the number of children in need of assistance is formulated.

The amount applied to #3 above shall be determined after researching the various options available to the club and shall be completed and accounted for by the close of the current fiscal year.

This grant will help the Boys and Girls Club continue to provide a benefit to the Cheverly community as a whole by giving our children a place to learn and play sports starting at 4 years old through their teenage years. The Club plans to begin conducting outreach to sections of our community, specifically but not exclusively, the Cheverly Station Apartments, who could benefit greatly from a town grant that makes playing sports affordable for their children. The upgrading of the club website and social media presence will help connect the club to more of the community so they become aware of the opportunities we offer for all children of Cheverly.

## David Deutsch

---

**From:** Tymeka D. Penn, <TPenn@Foulgerpratt.com>  
**Sent:** Wednesday, November 28, 2018 7:15 PM  
**To:** Michael Callahan  
**Cc:** David Deutsch; Kierra A. Ross  
**Subject:** Re: Grant Fund for Boys and Girls Club

Ok sounds good

Sent from my Tymeka Penn iPhone

On Nov 28, 2018, at 6:30 PM, Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)> wrote:

Thank you.... we will need to chat but this is great.

---

**From:** Tymeka D. Penn, <[TPenn@Foulgerpratt.com](mailto:TPenn@Foulgerpratt.com)>  
**Sent:** Wednesday, November 28, 2018 3:59:43 PM  
**To:** Michael Callahan  
**Cc:** David Deutsch; Kierra A. Ross  
**Subject:** RE: Grant Fund for Boys and Girls Club

Hello Mike,

This has been approved at \$1,300 (20 registrants). Please confirm the total registrations.

We can have our on call maintenance technician stay until its over to assist. Please confirm.

**Tymeka D. Penn, ARM**  
*Regional Property Manager*  
**Foulger-Pratt**

12435 Park Potomac Avenue, Suite 200 | Potomac, MD 20854  
[tpenn@foulgerpratt.com](mailto:tpenn@foulgerpratt.com) | 240-499-9681  
[www.foulgerpratt.com](http://www.foulgerpratt.com)

---

**From:** Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)>  
**Sent:** Monday, November 26, 2018 10:05 PM  
**To:** Tymeka D. Penn, <[TPenn@Foulgerpratt.com](mailto:TPenn@Foulgerpratt.com)>  
**Cc:** David Deutsch <[townadministrator@cheverly-md.gov](mailto:townadministrator@cheverly-md.gov)>  
**Subject:** Re: Grant Fund for Boys and Girls Club

Hi Tymeka,

Just checking in. I am hoping that you can confirm the grant money is available by Wednesday, so that the Boys and Girls Club can plan appropriately.

I also had one more request from the Boys and Girls Club. They would like to use the front office of your building to do a sign up and outreach to your residents on December 3rd from 7PM to 8PM. So I guess they would need some office support.

Please call if you want to discuss.

Mike

(301) 789-8009

---

**From:** Tymeka D. Penn, <[TPenn@Foulgerpratt.com](mailto:TPenn@Foulgerpratt.com)>  
**Sent:** Wednesday, November 21, 2018 9:02:06 AM  
**To:** Michael Callahan  
**Cc:** David Deutsch  
**Subject:** RE: Grant Fund for Boys and Girls Club

Hello Mike,

This is great news. I will need to get with Alison next week and confirm we can do this sponsorship.

Happy Thanksgiving.

**Tymeka D. Penn, ARM**  
*Regional Property Manager*  
**Foulger-Pratt**

12435 Park Potomac Avenue, Suite 200 | Potomac, MD 20854  
[tpenn@foulgerpratt.com](mailto:tpenn@foulgerpratt.com) | 240-499-9681  
[www.foulgerpratt.com](http://www.foulgerpratt.com)

---

**From:** Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)>  
**Sent:** Wednesday, November 21, 2018 9:00 AM  
**To:** Tymeka D. Penn, <[TPenn@Foulgerpratt.com](mailto:TPenn@Foulgerpratt.com)>  
**Cc:** David Deutsch <[townadministrator@cheverly-md.gov](mailto:townadministrator@cheverly-md.gov)>  
**Subject:** Grant Fund for Boys and Girls Club

Tymeka,

Hope all is well. A couple of years ago, we spoke of an agreement Robert and I had regarding the Town agreeing to delay the implementation of the Rental Inspection Fee increase. As you know, we delayed the fee increase one year, and then phased it in over two years. the savings to the Cheverly Station apartments was well over \$100,000 and my understanding was that Foulger was better able to plan for the increase.

As part of that agreement, we asked, and Robert agreed, that \$5,000 would be set aside for the purpose of scholarships for children in the apartments to join organizations in town, primarily the Boys and Girls Club. At the time, I did not want any transfer of funds to the town and asked that Foulger Pratt administer the funds. Since the Boys and Girls Club was shrinking and no active recruiting was happening at the apartments there were never any requests fro the scholarship.

Good News: The Boys and Girls Club is actively recruiting at the apartments this week. I would like to tell them that you will support this agreement. To be frank, I can't imagine that more than 10 to 20 scholarship would be requested at a cost of \$65.00 each.

Thank you very much. I would appreciate a prompt reply as the Boys and Girls Club will be recruiting next week. I think this is win for the apartments as Foulger would be recognized for providing these small scholarships.

As always, I am available to discuss.

Mike

(301) 789-8009

### 3. Grant Request – Food Forest – Kilmer Street Park




#### 4. Variance Request – Woodway Place: Recommendation from Interim Town Administrator



## MEMO

Date: November 21, 2018

To: Mayor and Town Council

From: David J. Deutsch   
Interim Town Administrator

Subject: Variance Request  
2902 Woodway Place

The property owner at 2902 Woodway Place, Daniel Biagas, has submitted a variance application to the Prince George's County Board of Zoning Appeals. Mr. Biagas proposes to construct an addition to his house and a new deck. The existing deck is in the location of the proposal addition, so that is the apparent reason for the new deck.

The variance is for lot coverage. County zoning law restricts lot coverage to 30%. If Biagas constructs his addition and deck, the lot coverage will be 32.1%. In other words, he will exceed the lot coverage maximum by 2.1%, or 140 square feet. It should be noted that Mr. Biagas had a conversation with Public Works Director Torres, and the resident indicated he would install a rain barrel to collect water from his downspouts. Therefore, there is no anticipated storm water impact for this potential home addition.

On Tuesday, November 20, 2018 Town Staff delivered the attached letter to about twenty homes on Woodway Place and Hillside Avenue to inform them of the November 29<sup>th</sup> Worksession and the December 5, 2018 County hearing date. There has been no contact with staff from residents as of the date of this report.

### RECOMMENDATION

It is my recommendation that the Mayor and Town Council approve the variance, as it is a relatively minimal lot coverage expansion over the prescribed statutory maximum. If you agree, and approve the request, staff will transmit a letter to the County Board of Zoning Appeals prior to its December 5, 2018 meeting.

Attachments



November 20, 2018

Residents  
Woodway & Hillside  
Cheverly, Maryland 20785

Dear Resident:

The Mayor and Town Council take this opportunity to notify you that they will be considering a request for a building variance at the November 29, 2018 Worksession 7:30pm in the Cheverly Community Center.

The variance applicant lives at 2902 Woodway Place. The Town has been asked by the Maryland National Capital Park and Planning Commission (M-NCPPC) for its position prior to their hearing on December 5, 2018. The variance request is for an addition to the rear of the house, covering an area currently containing a deck. A new deck would be constructed attached to the house addition. The variance request is required because the net result would be that, following the construction the lot coverage would be 32.1%, a variance of 2.1% over the allowed 30%.

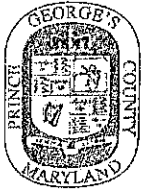
The Town Council will consider three options for recommendations to M-NCPPC:

- 1) Approve the request
- 2) Approve the request with conditions
- 3) Deny the variance

If you wish to comment on this matter, you are welcome to attend the Worksession, contact your Ward 6 Councilmember or submit a letter to the Town offices prior to the Mayor and Council vote on November 29th. Councilmember Ward 6 is Elizabeth Mackenzie and she may be reached by email at [councilmemberward6@cheverly-md.gov](mailto:councilmemberward6@cheverly-md.gov) or phone 202-744-89313. I may be reached by email at [townadministrator@cheverly-md.gov](mailto:townadministrator@cheverly-md.gov) or phone 301-773-8360.

Sincerely,

David J. Deutsch  
Town Administrator



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## NOTICE OF HEARING

Date: October 30, 2018

Petitioners: Daniel and Kori Biagas

Appeal No.: V-120-18

Hearing Date: WEDNESDAY, NOVEMBER 14, 2018, AT 6:00 P.M. EVENING

Place: Zoning Hearing Room #2190  
County Administration Building, Upper Marlboro, Md.

Appeal has been made to this Board for permission to construct a one-story addition, deck and walkway with stairs on the premises known as Lot 12, Block G, Cheverly Oaks II Subdivision, being 2902 Woodway Place, Cheverly, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

The specific violation resides in the fact that Zoning Ordinance Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. A variance of 2.1% net lot coverage is requested.

Public hearing on this Appeal is set for the time and place above stated. Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board.

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By: Barbara J. Stone  
Barbara J. Stone  
Administrator

cc: Petitioners  
Adjoining Property Owners  
Park and Planning Commission  
Town of Cheverly

(USE BLACK INK ONLY)

PLEASE READ ALL INSTRUCTIONS  
BEFORE FILLING OUT APPLICATION

TO: BOARD OF ZONING APPEALS FOR PRINCE  
GEORGE'S COUNTY, MARYLAND

County Administration Building, Room 2103  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
(301) 952-3220



Filing Fee Paid: \$ 200
CK/M.O. # 25023821106
By: Daniel Biagas
2902 Woodway Place
Cheverly MD 20785
Sign Posting Fee Paid: \$ 30
CK/M.O. # 25023821117
By: Daniel Biagas
2902 Woodway Place
Cheverly MD 20785
APPEAL NO. 16-120-18
(OFFICE USE ONLY)

APPLICATION FOR A VARIANCE  
FROM STRICT APPLICATION OF THE ZONING ORDINANCE

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)

Owner(s) of Property Daniel Biagas and Kori Hamilton Biagas  
(AS SHOWN ON DEED)

Address of Owner(s) 2902 Woodway Place

City Cheverly State Maryland Zip Code 20785

Telephone Number (home) (202) 907-5645 -- Daniel (cell) (202) 264-9285 -- Kori (work)

E-mail address: daniel@plannedpower.com

Applicant/attorney/engineer/contractor's name, address and telephone number if different from above: (circle one)  
NO

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form. SUBMITTED SITE PLANS/PLATS MUST BE DRAWN TO SCALE BY A CERTIFIED ENGINEER, SURVEYOR OR ARCHITECT (WITH OFFICIAL SEAL OR STATE OF MARYLAND REGISTRATION NUMBER SHOWN ON THE SITE PLAN/PLAT) AND MUST SHOW ALL STRUCTURES (TO INCLUDE ALL DIMENSIONS AND NUMBER OF STORIES) AS WELL AS OFF-STREET PARKING AND ANY PROPOSED CONSTRUCTION ON THE PROPERTY. THE PLAN MUST NOTE THE SCALE, THE LOT SIZE, THE LEGAL DESCRIPTION AND A NORTH ARROW.

Location of Property involved: a) Street Address 2902 Woodway Place

City Cheverly

b) Lot(s) 12 Block G Parcel

Subdivision Name Cheverly Oaks

c) Name(s) & Address(es) of Homeowners/Citizens/Civic and/or Community Association(s):

NO

d) Municipality (Incorporated City/Town) Name Cheverly

What will be/has been constructed on the property? (Variance(s) Required) Proposed

440 square foot addition to rear of home. Remove existing elevated deck. Construct new 250 square foot elevated deck at rear of new addition

Variance requested for lot coverage limit New Addition (42.00 x 10), Proposed Deck, (10 x 15) 8 x 6, walkway w/ stair-

# LOT COVERAGE WORKSHEET

NET LOT SIZE 6,785 SQUARE FEET

30% LOT COVERAGE ALLOWED 2035.5 SQUARE FEET

## STRUCTURE/PARKING

## MEASUREMENTS

## SQUARE FOOTAGE

HOUSE

24 X 42.25

1014

GARAGE/CARPORT

DRIVEWAY

19 X 32.4  
1 X 19.5

615.6 } 625.1  
9.5 }

PORCH/SUNROOM

SHED(S)

ADDITION(S)

10 X 42.2

422

OTHER: overhang

(1 X 42.2) + (2 X 36) = 42.2 + 72 =

114.2

TOTAL LOT COVERAGE

2175.3

TOTAL % NET LOT COVERAGE

32.1 %

TOTAL % OVER NET LOT COVERAGE

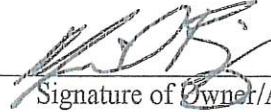
2.1 % ( 140 S.F.)



Do you need the services of a foreign language interpreter at your hearing? (Additional \$30 fee required)

Yes \_\_\_\_ No ☒

Foreign Language: \_\_\_\_\_

  
Signature of Owner/Attorney

Daniel Biagas

Printed Name

**IMPORTANT:** Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing. Filing fees must be made payable to Prince George's County and sign posting fees must be made payable to M-NCPPC. Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/>.

## FOR COUNTY USE ONLY

Property Zone: R55 Overlay Zone: NA

Has the property in question ever been subject to previous Board, County Council or Zoning Hearing Examiner action? NO If so, give Case No.(s)/Decision Date(s) MA

Is the property subject to any action by the Planning Board? \_\_\_\_\_

If so, what type of action? \_\_\_\_\_

Variance(s) requested: 1st cov

FOR A LIST OF ALL NAMES AND MAILING ADDRESSES OF ADJOINING PROPERTY OWNERS AND OTHER PARTIES, PLEASE SEE THE PERSONS OF RECORD LIST

OCT 30 2012

V-120-18  
DANIEL & KORI BIAGAS  
2902 WOODWAY PLACE  
CHEVERLY MD 20785

V-120-18  
KEVIN DRUMMOND  
2915 HILLSIDE AVENUE  
LANDOVER MD 20785

V-120-18  
LE FAMILY REVOCABLE TRUST  
HUNG LE  
2900 WOODWAY PLACE  
CHEVERLY MD 20785

V-120-18  
WENDELL ADAMS  
2901 WOODWAY PLACE  
LANDOVER MD 20785

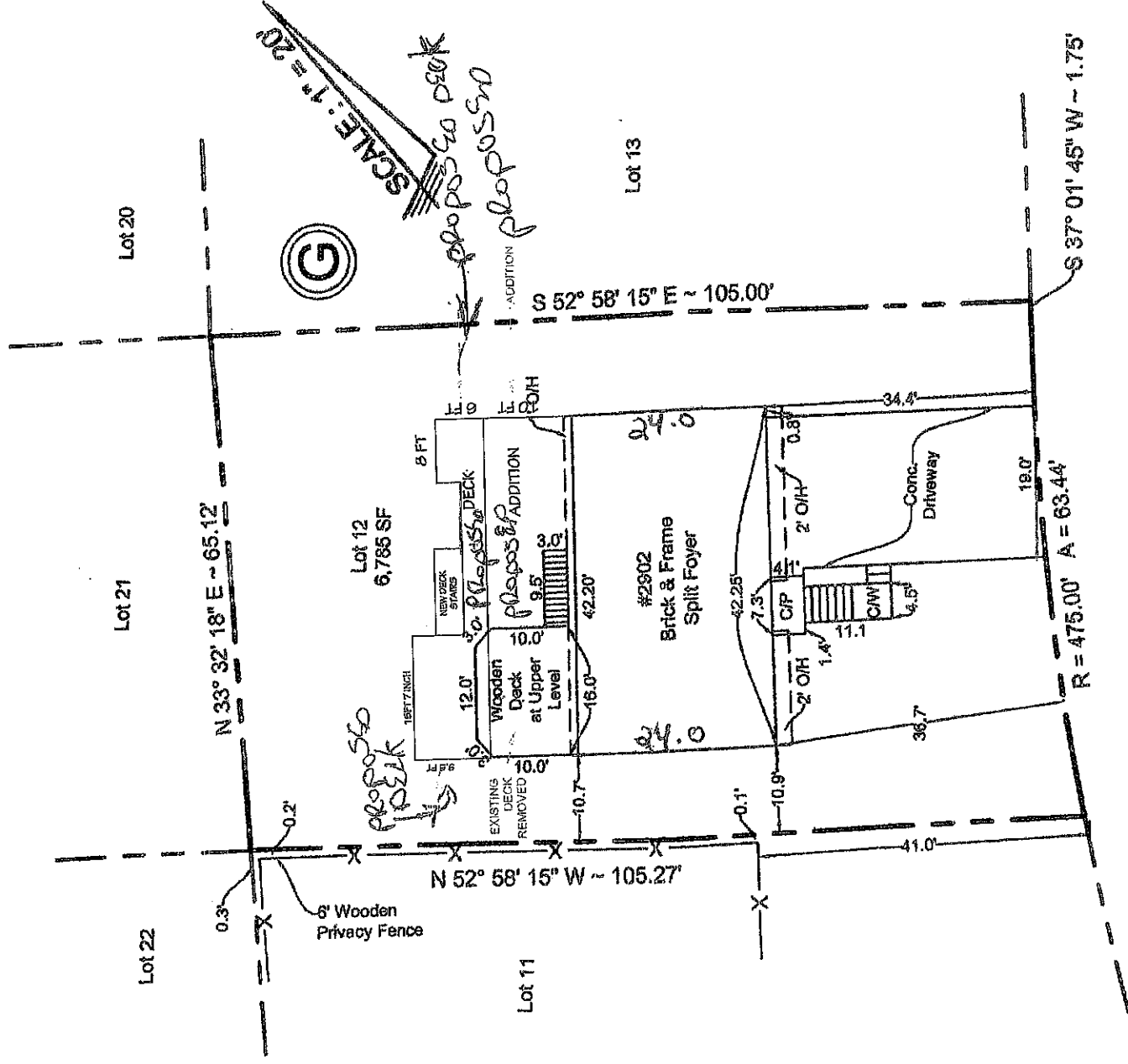
V-120-18  
AWILDA & JOHN EUILL II  
2903 WOODWAY PLACE  
CHEVERLY MD 20785

V-120-18  
TRACY LEGREE  
2904 WOODWAY PLACE  
HYATTSVILLE MD 20785

V-120-18  
TOWN OF CHEVERLY  
ADMINISTRATOR  
6401 FOREST ROAD  
CHEVERLY MD 20785



House Location  
**Cheverly Oaks**  
 Lot 12 Block G  
 2nd Election District  
 Prince George's County, MD  
 Plat Book NLP 145 at Plat 64



Woodway Place  
 (50' R/W)

**SURVEYOR'S CERTIFICATES:**

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that, unless otherwise shown, there are no visible encroachments.

DATE **31<sup>st</sup> August 2017**

**NOTE:** House location surveys do not include setting iron pipes on property corners.

**NO TITLE REPORT FURNISHED  
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS  
 OF RECORD OR OTHERWISE.**



The property shown hereon is not within Zone A-Special Flood Hazard Area per F.E.M.A. Flood Insurance Rate Maps

**W. L. MEEKINS, INC.**

3101 RITCHIE ROAD  
 FORESTVILLE, MD 20747  
 TEL 301-736-6387 / 7115  
 email info@meekins.net  
 web www.meekins.net

**REGISTRATIONS**

MD # 10833

DCLS # 900860


## 5. Ethics Commission Update – Recommendation from Interim Town Administrator



## MEMO

Date: November 21, 2018

To: Mayor and Town Council

From: David J. Deutsch   
Interim Town Administrator

Subject: Ethics Commission

A Town resident has raised a question regarding the status of the Town's Ethics Commission. Please see the attached letter from Mr. Thomas Ruyle. The Town has an Ethics Ordinance that was approved by the State of Maryland. It appears, however, that the local Ethics Commission is currently not properly constituted and may not have functioned for some time in accordance with the Town Code.

It is my recommendation that you take action to reconstitute the local Ethics Commission. The Town Administrator can monitor their activities and provide staff support, assuring compliance with State regulations, and keep you informed.

In a typical situation, the Ethics Commission role would be relatively constrained. The Commission would annually review financial disclosure forms filed by various public officials. The Commission would also hold hearings and adjudicate complaints regarding alleged violations of the Ethics Ordinance.

The attached Town Ethics Commission Operating Guidelines will need to be revised to make sure it is appropriate in all respects. I am copying the Town Attorney so that we may obtain his guidance in this matter as well. A copy of the Town Ethics Ordinance is also attached for your review.

## Chapter 3 - CODE OF ETHICS

### Sec. 3-1. - Applicability.

Except as provided in § 3-9, the provisions of this chapter shall apply to the mayor, town council members, town administrator, treasurer, clerk, department heads, members of town boards and commissions, all town employees, candidates for elective town office and persons lobbying under section 3-11 before town officials, boards or commissions.

(Ord. No. O-4-12, 10-12-12)

### Sec. 3-2. - Establishment of ethics commission; responsibilities.

- (a) There shall be a town ethics commission, which shall be composed of no more than six (6) members, one (1) nominated from each ward by that ward's councilmember and approved by the mayor and council. The members of the ethics commission shall ordinarily be appointed at the June regular meeting with their tenure beginning on July 1. The tenure of each member shall be three (3) years or until a successor is appointed, whichever is longer. The commission shall be advised by the advisor to the commission who shall ordinarily be the town attorney. The advisor to the commission shall assist the commission in fulfilling its duties and powers and shall act on behalf of the commission if it is unable to do so for any reason.
- (b) Duties and powers.
  - (1) To devise, receive and maintain all forms generated by this chapter.
  - (2) To provide published advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter or that may violate this chapter or any election finance law of the town.
  - (3) To investigate, process and make determinations as to any conduct or violations of this chapter, complaints filed by any person alleging violations of this chapter or any election finance law by persons subject to this act.
  - (4) To conduct a public information program regarding the purposes and application of this chapter.
  - (5) To adopt regulations to implement this chapter.
  - (6) To act in an official capacity only when a quorum of at least three (3) members are present. If the commission is unable to assemble a quorum, the advisor to the commission shall act in their absence.
  - (7) To issue subpoenas for persons and evidence and to judicially enforce such subpoenas.
  - (8) The commission shall certify to the state ethics commission on or before October 1 of each year that the town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
  - (9) The commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the town council for enactment.

(Ord. No. O-4-12, 10-12-12)

### Sec. 3-3. - Regulations and final orders of the commission.

- (a) The commission shall issue regulations, including, but not limited to, procedures for advisory opinions, written statements of complaints, investigations, notice to complainants and respondents, opportunity to cure, dismissal of complaints, preliminary and adjudicatory hearings, the issuance of subpoenas by the commission for witnesses and evidence, and final written orders. Such regulations shall be modeled whenever practical on any state ethics laws or regulations and must be approved by the mayor and town council.
- (b) If, after a hearing, the commission determines that a violation has occurred, the commission shall issue an order which may include, but is not limited to, any of the following:
  - (1) Direction to the respondent to cease and desist from the violation;
  - (2) A written reprimand; or
  - (3) Recommendation to the mayor and town council or appropriate authority any discipline of the respondent, including censure or removal, if that discipline is authorized by law.
- (c) The commission shall submit to the mayor and town council, the complainant and the respondent a written copy of any order issued if a violation is found.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-4. - Judicial review.

- (a) If the respondent is aggrieved by a final order of the commission, the respondent may seek judicial review as provided in Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act—Contested Cases).
- (b) The order of the commission is stayed automatically until the time for seeking judicial review has expired.
- (c) The filing of a petition for judicial review does not automatically stay the enforcement of the order.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-5. - Confidentiality.

- (a) Except as provided below, any investigation, written statement or complaint, including the proceedings, meetings, and activities of the commission and its staff relating to such are confidential and may not be disclosed by the commission or staff, complainant, or respondent.
- (b) Disclosures allowed:
  - (1) The commission may release any information at any time if the respondent agrees in writing to the release and the release, in the discretion of the commission, would not adversely impact any other person, business entity or entity.
  - (2) On request of the respondent, the commission at any time shall disclose the identity of the complainant to the respondent.
  - (3) If the commission, while considering a matter, finds that there are reasonable grounds to believe that a person or entity may have committed a criminal offense, the commission promptly shall refer the matter to an appropriate prosecuting authority, and the commission shall make available to the prosecuting authority all pertinent evidence under its control.
  - (4) Upon a finding of a violation, the records of the proceedings and investigation shall be public.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-6. - Conflicts of interest and prohibitions.

- (a) All town elected officials, officials appointed to town boards and commissions subject to this chapter, and town employees are subject to this section.
- (b) Unless otherwise permitted by commission regulation or opinion, or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter at issue, an official or employee may not participate on behalf of the town in:
  - (1) Any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
  - (2) Any matter in which any of the following is a party:
    - a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
    - b. A business entity for which the official, employee or, a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
    - c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
    - d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
    - e. An entity, doing business with the town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interest; or
    - f. A business entity that:
      - 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
      - 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
  - (3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
    - a. The disqualification leaves a body with less than a quorum capable of acting;
    - b. The disqualified official or employee is required by law to act; or
    - c. The disqualified official or employee is the only person authorized to act.
  - (4) The prohibitions of paragraph (1) and (2) of this subsection do not apply if participation is allowed by regulation or opinion of the commission.
  - (5) All persons subject to this chapter shall file a statement with the commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant section 3-6 of this chapter, as soon as possible and at least seven (7) days before such matter is scheduled to occur.
- (c) Employment and financial interest restrictions.
  - (1) Except as permitted by regulation of the commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

- a. Be employed by or have a financial interest in any entity:
    - 1. Subject to the authority of the official or employee or the town agency, board, commission with which the official or employee is affiliated; or
    - 2. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
  - b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) This prohibition does not apply to:
- a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that person subject to the jurisdiction of the authority be represented in appointments to the authority;
  - b. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the commission;
  - c. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the commission; or
  - d. Employment or financial interests allowed by regulation of the commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (d) Post-employment limitations and restrictions.
- (1) A former official or employee may not assist or represent any party other than the town for compensation in a case, contract, or other specific matter involving the town if that matter is one in which the former official or employee significantly participated as an official or employee.
  - (2) Until the conclusion of twelve (12) months after the elected official leaves office, a former official or employee of the town may not assist or represent another party for compensation in a matter that is subject of legislative action.
- (e) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the town.
- (f) Use of prestige of office.
- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
  - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-7. - Solicitation and/or acceptance of gifts.

- (a) An official or employee may not solicit any gift.
- (b) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (c) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

- (1) Is doing business with or seeking to do business with the town office, agency, boards, or commission with which the official or employee is affiliated;
  - (2) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
  - (3) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
  - (4) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (d) Paragraph (e) of this section does not apply to a gift:
- (1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
  - (3) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (e) Notwithstanding paragraphs (a) through (c) of this section, an official or employee may accept the following:
- (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (2) Ceremonial gifts or awards that have insignificant monetary value;
  - (3) Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost or trivial items of informational value;
  - (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
  - (5) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
  - (6) A specific gift or class of gifts that the commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the town and that the gift is purely personal and private in nature;
  - (7) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
  - (8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- (f) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (g) Participation in procurement. An individual or a person that employs an individual who assists a town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement. The commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.



- (h) Use of equipment or personnel. An official or employee may not allow, permit or facilitate the unauthorized use of town-owned facilities, vehicles, equipment, materials or personnel for private matters or profit.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-8. - Exemption or modification of provisions.

The commission or, if appropriate, the council may, after consultation with the town attorney grant exemptions to or modifications of this chapter as to persons subject to this chapter where it finds that the application of this chapter would constitute an unreasonable invasion of privacy or otherwise constitute an unreasonable hardship and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter.

(Ord. No. O-4-12, 10-12-12)

Sec. 3-9. - Filing of financial disclosure statement by elected officials and candidates.

- (a) This section applies to all town elected officials and candidates for town elections. Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
  - (1) On a form provided by the commission;
  - (2) Under oath or affirmation;
  - (3) With the commission; and
  - (4) Deadlines for filing statements.
    - a. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
    - b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
    - c. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office. The statement shall cover:
      - 1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
      - 2. The portion of the current calendar year during which the individual had the office.
- (b) Candidates to be local elected officials. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
  - (1) A candidate to be an elected local official shall file a statement required under this section:
    - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
    - b. In the year of the election, on or before the earlier of April 30 or the last day of the withdrawal of candidacy; and
    - c. In all other years for which a statement is required, on or before April 30.

- (2) A candidate to be an elected official:
  - a. May file the statement required under subsection 3-9(b)(1)b. and c. of this chapter with the town clerk or board of election supervisors with the certificate of candidacy or with the commission prior to filing the certificate of candidacy; and
  - b. Shall file the statements required under subsection 3-9(b)(1)b. and c. with the commission.
- (3) If a candidate fails to file a statement required by this section after written notice is provided by the town clerk or board of election supervisors at least twenty (20) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
- (4) The town clerk or board election supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (5) Within thirty (30) days of the receipt of a statement required under this section, the town clerk or board of election supervisors shall forward the statement to the commission or the office designated by the commission.
- (c) The commission or office designated by the commission shall maintain all financial disclosure statements filed under this section. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the commission.
  - (1) If an individual examines or copies a financial disclosure statement, the commission or the office designated by the commission shall record:
    - a. The name and home address of the individual reviewing or copying the statement; and
    - b. The name of the person whose financial disclosure statement was examined or copied.
  - (2) Upon request by the official or employee whose financial disclosure statement was examined or copied, the commission or the office designated by the commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (d) The commission or the office designated by the commission shall retain financial disclosure statements for four (4) years from the date of receipt.
- (e) At a minimum the financial disclosure statement form shall contain the following information:
  - (1) Interests in real property.
    - a. A statement filed under this section shall include a schedule of all interests in real property wherever located.
    - b. For each interest in real property, the schedule shall include:
      - 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
      - 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
      - 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
      - 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
      - 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

6. The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

- a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the town.
- b. For each interest reported under this paragraph, the schedule shall include:
  1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
  2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
  3. With respect to any interest transferred in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
  4. With respect to any interest acquired during the reporting period:
    - i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- c. An individual may satisfy the requirement to report the amount of the interest held under item (2)b. of this paragraph by reporting, instead of a dollar amount:
  1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
  2. For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the town.

- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the town, other than interests reported under paragraph (2) of this subsection.
- b. For each interest reported under this paragraph, the schedule shall include:
  1. The name and address of the principal office of the business entity;
  2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
  3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
  4. With respect to any interest acquired during the reporting period:
    - i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

- a. A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the town.
  - b. For each gift reported, the schedule shall include:
    - 1. A description of the nature and value of the gift; and
    - 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with the town.
- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the town.
  - b. For each position reported under this paragraph, the schedule shall include:
    - 1. The name and address of the principal office of the business entity;
    - 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
    - 3. The name of each town agency with which the entity is involved.
- (6) Indebtedness to entities doing business with town.
- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the town owed at any time during the reporting period:
    - 1. By the individual; or
    - 2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
  - b. For each liability reported under this paragraph, the schedule shall include:
    - 1. The identity of the person to whom the liability was owed and the date the liability was incurred;
    - 2. The amount of the liability owed as of the end of the reporting period;
    - 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
    - 4. The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the town in any capacity at any time during the reporting period.
- (8) Sources of earned income.
- a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
  - b. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

- (9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (f) For the purposes of this section, the following interests are considered to be the interests of the individual making the statement:
  - (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
  - (2) An interest held by a business entity in which the individual held a thirty (30) percent or greater interest at any time during the reporting period.
  - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
    - a. The individual held a reversionary interest or was a beneficiary; or
    - b. If a revocable trust, the individual was a settlor.
- (g) The commission shall review the financial disclosure statement submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies. The Town of Cheverly Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

(Ord. No. O-4-12, 10-12-12)

§ 3-10. - Filing of financial disclosure statements by non-elected officials.

- (a) All officials, including, but not limited to the administrator, treasurer, clerk, department heads and any appointed official on a board with decision-making authority, such as the election supervisors and the members of the ethics commission shall:
  - (1) File a financial disclosure statement when the personal interest of the official will present a potential conflict with the public interest in connection with an anticipated public action of the local official. The content of the financial disclosure statement shall be limited to the areas of potential conflict and shall be filed no less than seven (7) days in advance of the action to allow for adequate public disclosure.
  - (2) File a financial disclosure statement by April 30 of each year to report on gifts received by the local official disclosing gifts during the preceding calendar year from any person that contracts with or is regulated by the town, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- (b) The commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 3-12 of this chapter.

(Ord. No. O-4-12, 10-12-12)

§ 3-11. - Filing of registration statement; contents.

- (a) Any person who personally appears before any town official or employee with the intent to influence that person in performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100.00) on food, entertainment or other gifts for such official shall file a registration statement with the commission no later than January 15 of that calendar year or within five (5) days after first making such appearances.
- (b) The registration statement, which shall be filed annually, shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances.

- (c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a town official or employee. Where a gift or series of gifts to a single official or employee exceeds one hundred dollars (\$100.00) in value, the official or employee shall also be identified.

(Ord. No. O-4-12, 10-12-12)

§ 3-12. - All disclosure statements to be filed with commission and open to public inspection.

All statements of disclosure required by this chapter shall be filed with the commission and shall be available for public inspection and copying at the town office during normal business hours. The town clerk shall be the custodian of all records of the commission.

(Ord. No. O-4-12, 10-12-12)

§ 3-13. - Definitions.

In this chapter the following words have the meanings indicated:

*Business entity.* Any corporation, limited liability company, general or limited partnership, sole proprietorship (including a private consulting operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether organized for profit or not.

*Children.* All biological and adopted children, stepchildren, wards, foster children, regardless of age.

*Town.* The Town of Cheverly.

*Commission.* The ethics commission of the Town of Cheverly.

*Complainant.* A person who files a written statement with the ethics commission alleging a violation of any of the provisions of this chapter or chapter 8 of this Code.

*Employee.* A person hired and compensated to perform work for the town under the direct supervision of the town. The independent contractors the town may contract with, such as the town attorney, auditors, architects, engineers, etc., are not employees.

*Employer.* An entity that pays or agrees to pay compensation to another entity for services rendered.

*Family member:*

- (1) Any brother, sister, parent, child, spouse or domestic partner of a person subject to this chapter, or
- (2) One who is related to a person subject to this chapter by blood, marriage, other legal arrangement (guardian, domestic partner) or adoption is a member of the person's household.

*Financial interest:*

- (1) Ownership of an interest resulting in the receipt or entitlement of more than one hundred dollars (\$100.00) within the past three (3) years, currently or in the future; or
- (2) Ownership of more than three (3) percent of a business entity by a town official or employee or his/her spouse.

*Gift.* Except as specified in subsection (b) of this section, the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" shall not include acceptance or the receipt of political contributions for an election campaign.

*Interest:*

- (1) A legal or equitable economic interest, whether or not subject to an encumbrance or condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.
- (2) "Interest" shall not include:
  - a. An interest held in the capacity of agent, custodian, fiduciary, personal representative or trustee, unless the holder has an equitable interest in the subject matter;
  - b. An interest in a time or demand deposit in a financial institution;
  - c. An interest in an insurance policy, endowment policy, or annuity contract by which an insurer promises to pay a fixed amount of money in a lump sum; or
  - d. A common trust fund or a trust fund that forms part of a pension or a profit-sharing plan that:
    1. Has more than twenty-five (25) participants; and
    2. Is determined by the Internal Revenue Service to be a qualified trust under § 401 or § 501 of the Internal Revenue Code.

*Household.* Sharing a person's legal residence.

*Respondent.* Any person named in a written statement filed with a complaint or initiated by the commission alleging a violation by such person of any of the provisions of this chapter or chapter 8 of this Code.

*Qualified relative.* A parent, child, sibling or spouse for use in the participation restrictions of the conflict of interest provisions.

(Ord. No. O-4-12, 10-12-12)

§ 3-14. - Enforcement; violations and penalties.

- (a) The commission may:
  - (1) Assess a late fee of two dollars (\$2.00) per day up to a maximum of two hundred fifty dollars (\$250.00) for a failure to timely file a financial disclosure statement required under sections 3-6, 3-7 or 3-9 of this chapter;
  - (2) Assess a late fee of ten dollars (\$10.00) per day up to a maximum of two hundred fifty dollars (\$250.00) for a failure to file a timely lobbyist registration or lobbyist report required under section 3-11 of this chapter; and
  - (3) Issue a cease and desist order against any person found to be in violation of this chapter.
- (b) Upon a finding of a violation of any provision of this chapter, the commission may:
  - (1) Issue an order of compliance directing the respondent to cease and desist from the violation;
  - (2) Issue a reprimand; or
  - (3) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (c) If the commission finds that a respondent has violated section 3-11 of this chapter, the commission may:
  - (1) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under section 3-10 of this chapter;
  - (2) Impose a fine not exceeding five thousand dollars (\$5,000.00) for each violation; and

- (3) Suspend the registration of an individual registered lobbyist if the commission finds that the lobbyist has knowingly and willfully violated section 3-11 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- (d) Upon request of the commission, the town attorney may file a petition for injunctive or other relief in the Circuit Court for Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
- (e) The court may:
  - (1) Issue an order to cease and desist from the violation;
  - (2) Except as provided in subparagraph (4) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public;
  - (3) Impose a fine of up to five thousand dollars (\$5,000.00) for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
  - (4) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (f) In addition to any other enforcement provisions in this chapter, a person who the commission or a court finds has violated this chapter:
  - (1) Is subject to termination or other disciplinary action; and
  - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the commission or a court.
- (g) A town official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (h) Violation of section 3-11 of this chapter shall be a misdemeanor subject to a fine of up to ten thousand dollars (\$10,000.00) or imprisonment of up to one (1) year.
- (i) A finding of a violation of this chapter by the commission is public information.
- (j) The mayor and town council shall have the authority to take action against any town official upon the commission's finding a violation by the official, including, but not limited to, censure, fine, refusal to seat a member and removal.

(Ord. No. O-4-12, 10-12-12)



**THOMAS M. RUYLE**

6115 ARBOR ST. • CHEVERLY, MD 20785 • (207) 514-6207  
fruyale@gmail.com

12 NOV 2018

Mayor Michael Callahan  
Ward 4 Council Member Maurielle Stewart  
Town of Cheverly  
6401 Forest Road  
Cheverly, MD 20785

Dear Mr. Callahan and Ms. Stewart:

In light of recent events surrounding the Cheverly Police Department, Town Council and Town Administration – which Cheverly residents are still awaiting a proper accounting of - I strenuously recommend the Town Council move to quickly reconstitute the Town Ethics Commission and appoint a full complement of members.

According to the Cheverly Code of Ordinances, Chapter 3, Section 3-2, the Town is required to have, at all times, a standing Ethics Commission. I've found scant information on the Commission's activities on the Town's website; the three members listed were appointed in September 2005 to three-year terms. I also found zero records relating to the Commission's activities, minutes or charter on the Town Website.

Furthermore, municipal Ethics Commissions are required by Maryland state law, specifically MD General Provisions Code § 5-807 (2017). Under that law, and according to the Maryland Ethics Commission's website, the Cheverly Ethics Commission is required to submit an annual report to the Maryland Ethics Commission on or before October 1st.

I find zero indication as yet of any such report being filed in the past decade or so; I plan to ask the Maryland Ethics Commission for copies of any records relating to the activities and reports of the Cheverly Ethics Commission.

I will also request, in a separate letter, copies of all Town of Cheverly records relating to the activities, minutes and reports of previous iterations of the Ethics Commission.

My research so far indicates our Town is out of compliance with its own ordinances, as well as Maryland law, to an alarming degree. Given recent news reports on events in

Cheverly, I am highly concerned the lack of a functioning ethics commission will result in additional negative light being cast upon our Town.

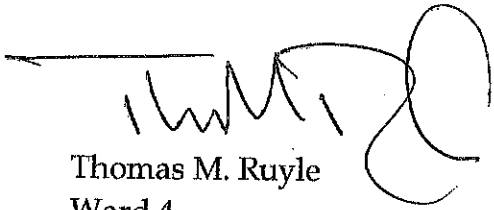
Given the as-yet-undetermined length of dormancy of the Cheverly Ethics Commission, I believe a reconstituted Commission's charter, operating procedures and overall responsibilities will need to be thoroughly examined and updated.

Citizens appointed to the Commission will need training, which may be available via the Maryland Ethics Commission. I would also recommend the Cheverly Ethics Commission reach out to neighboring municipalities' commissions in order to develop a best-practices approach to the tasks at hand in Cheverly.

I look forward to engaging with you and the rest of the Council on this matter.

A signed hard-copy version of this letter will be delivered to the Town Hall.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Thomas M. Ruyle', with a large, stylized flourish at the end.

Thomas M. Ruyle  
Ward 4

cc: CM Laila Riaz, Ward 1  
CM Robert Julian Ivey, Ward 2  
CM Roswell 'R.J.' Eldridge, Ward 3  
CM Jenny Garcia, Ward 5  
CM Elizabeth MacKenzie, Ward 6

TOWN OF CHEVERLY, MARYLAND  
ETHICS COMMISSION OPERATING GUIDELINES

TABLE OF CONTENTS

* STATEMENT OF POLICY .....	1
* RESPONSIBILITIES, POWERS AND DUTIES .....	2
* PROCEDURES FOR ADVISORY OPINIONS AND COMPLAINTS	
I. Purpose and Scope .....	4
II. General Provisions	
A. Commission Mode of Operation .....	4
B. Commissioner Conflicts of Interest .....	5
C. Availability of Commission Records to the Public .....	6
III. Advisory Opinion Procedures	
A. Application .....	8
B. Who May Request Opinions .....	8
C. Relationship To Investigatory Process .....	8
D. Form .....	9
E. Review Procedures .....	9
F. Issuance of Opinions .....	11
IV. Complaint Procedures	
A. Application .....	12
B. Filing of Complaints .....	12
C. Processing of Complaints .....	12
1. General Provisions .....	12
2. Preliminary Investigation and Review .....	14
3. Subpoena Powers .....	16
4. Preliminary Determination .....	17
D. Complaint Hearings .....	18
1. Hearing Notice .....	18
2. Waiver of Hearing .....	18
3. Alternative Disposition .....	18
4. Conduct of the Hearing by Chairperson .....	19
5. Presentation of Evidence .....	20
6. Rights of Parties .....	21
7. Hearing Record .....	21
E. Commission Decisions .....	22
1. Findings of Facts and Conclusions of Law .....	22
2. Dismissal .....	22
3. Actions for Violations .....	22

## STATEMENT OF POLICY

Given our system of representative government, it is very important for the people to trust their public officials at every level of government. Citizens need the assurance that the judgment of public officials and employees is impartial and independent, that even the appearance of improper influence will be avoided, and that the prohibition of the use of such influence will be enforced.

Furthermore, the primary responsibility for enabling the public trust resides in the system of government itself by promoting, monitoring, and ensuring the impartial and independent judgment of public officials. To this end, the Cheverly Ethics Code should set standards of conduct related to conflicts of interest and require public officials to disclose their financial affairs.

## RESPONSIBILITIES, POWERS AND DUTIES

The Cheverly Ethics Commission is responsible for the effective implementation and enforcement of the Ethics Code. An effectively administered Ethics Commission should:

- \* schedule meetings on a regular basis, enough to perform fully all duties of the Commission;
- \* provide orientation for its members as well as encourage participation in the state-sponsored training for carrying out the state-mandated ethics laws;
- \* provide the means for citizens of Cheverly to submit complaints directly to the Ethics Commission.

The powers and duties of the Cheverly Ethics Commission should include:

- \* investigating only written, signed complaints alleging violations of the Cheverly Ethics Code;
- \* providing advisory opinions to persons subject to the Ethics Code;

- \* receiving and reviewing financial disclosure statements for compliance with provisions of the Ethics Code and notifying officials and employees of any omissions or deficiencies;
- \* developing an effective information program about the purpose and application of the Ethics Code for employees, officials, members of boards and commissions, and the public;
- \* issuing an annual report to town officials and the public which summarizes its activities and issues;  
and
- \* periodically evaluating the adequacy of the Ethics Code and the Commission's operating guidelines and making recommendations for changes.

## PROCEDURES FOR ADVISORY OPINIONS AND COMPLAINTS

### I. PURPOSE AND SCOPE

The purpose of these procedures is to set forth the rules under which the Ethics Commission for the Town of Cheverly will implement the Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland, and Section 1-8 of the Cheverly Code.

### II. GENERAL PROVISIONS

#### A. Commission Mode of Operations

1. The Commission will maintain a post office box, advertised in the Cheverly newsletter, as a means for advisory opinion requests and complaints to be submitted to the Commission in confidence. The post office box will be inspected weekly.
2. A quorum shall consist of three voting members of the Commission. A majority of three affirmative votes is necessary for enactment of any action by the Commission.
3. The Commission may designate one of its members to be responsible for conducting preliminary inquiries and for conducting investigations and for presenting evidence to the Commission in connection with advisory opinion requests or complaints being processed in accordance with these regulations. The member so designated will be nonvoting during these proceedings.

4. The Chairperson shall vote only in case of a tie, or to provide a third affirmative vote. For purposes of a quorum, the Chairperson shall be considered a voting member.

B. Commissioner Conflicts of Interest

1. If a member of the Commission has a conflict of interest concerning his or her participation as a Commissioner in an advisory opinion hearing, a preliminary inquiry or complaint hearing, it is the duty of that member to bring it to the attention of the other Commissioners, or to recuse himself or herself from further deliberations on the matter that gives rise to the conflict of interest. Likewise, any Commissioner should bring any conflict of interest he or she believes another Commissioner has to the attention of the Commission.
2. If the member does not choose to recuse himself or herself, the Commission should discuss the issues raised and then:
  - a. give the Commissioner in question an opportunity to be heard;
  - b. discuss the conflict of interest outside the presence of the Commissioner who has the alleged conflict of interest;
  - c. take a vote as to whether that Commissioner should withdraw from participating in the advisory opinion hearing, a preliminary inquiry or complaint hearing;



- d. exclude the Commissioner if the vote of the remaining members so directs.

C. Availability of Commission Records to the Public

1. Except as set forth in (3) below, all records of hearings, findings and opinions of the Commission shall be maintained and made available for public inspection and copying in accordance with the provisions of the Maryland Public Ethics Law, Article 40A, Section 1-101 and following, Annotated Code of Maryland.
2. The records of the Commission shall be maintained at the Cheverly town offices at 6401 Forest Road, Cheverly, 20785. Records available for inspection and copying shall be accessible during normal town business hours, Monday through Friday, 9:00 AM to 5:00 PM.
3. Commission records pertaining to advisory opinion requests may not be disclosed to the extent that they include facts, discussion, or other material that would reveal the identity of the person who is the subject of the opinion, and the subject of the opinion has not waived the right to protection of his or her identity. Advisory opinion request records shall be considered by the Commission to be non-disclosable under this section until the right to protection of identity is expressly waived, in writing, by the subject.
4. All Commission records pertaining to a complaint considered in accordance with Section IV below shall, following the

filing of a complaint and unless and until the matter is referred for prosecution or a finding of a violation is made, be treated with confidentiality and not disclosed to any person except as set forth in Section IV(C)(1)(a) of these procedures. Investigatory records pertaining to preliminary inquiries initiated by the Commission shall also be treated with confidentiality.

5. Financial disclosure statements filed by public officials pursuant to Section 1-8 of the Cheverly Code may be examined by the public only in person at the Cheverly town offices as set forth in (2) above. Any person examining these statements shall record his or her name, home address, and the name of the person whose disclosure is examined or copied. This record of examination shall be forwarded upon request to the person whose disclosure statement was so examined and copied.
6. Except to confirm or deny the existence of a document or to disclose the name and limited identifying information, Commission members will not disclose over the telephone any information contained in financial disclosure and lobbying disclosure statements filed pursuant to Section 1-8 of the Cheverly Code.
7. Copies of non-published Commission records made available in accordance with this Section may be provided by town staff or Commission members for a copying fee.

### III. ADVISORY OPINION PROCEDURES

#### A. Application

The advisory opinion provisions apply to all officials and employees of the Town of Cheverly, as defined in Section 1-8(c)(2) of the Cheverly Code.

#### B. Who May Request Opinions

1. Any person covered by subsection (A) above may request an advisory opinion concerning application to him or her of the ethics provisions of the Cheverly Code. The Commission shall accept and process these advisory opinion requests in accordance with the procedures set forth in this section.
2. Advisory opinions may be requested by an official or employee of the town as to matters covered by the ethics provisions of Cheverly Code concerning another official or employee under his or her supervision. These requests shall be accepted and processed in accordance with this section.
3. Any other person may request an advisory opinion as to subject matters or individuals subject to the ethics provisions of the Cheverly Code. These requests may be considered by the Commission in its discretion as deemed appropriate.

#### C. Relationship To Investigatory Process

1. It shall be the general practice of the Commission to consider advisory opinion requests dealing with probable or

non-speculative fact situations and to render opinions having prospective application.

2. If an opinion requires consideration of past behavior or events, the Commission may consider the request in the context of a preliminary inquiry, and follow the procedures set forth in Section IV(C)(2).

D. Form

All requests for advisory opinions shall be in writing addressed to the Cheverly Ethics Commission, P.O. Box \_\_\_\_\_, Cheverly, MD 20785. The request shall include the signature, address, and telephone number of the requester and shall set forth the facts and circumstances giving rise to the request.

E. Review Procedures

1. Each advisory opinion request accepted for processing shall be acknowledged by the Commission. The acknowledgement shall set forth the right of the subject to protection of his or her identity and also the right of any person to be represented by counsel in connection with any aspect of the advisory opinion review process. When the request is from a person other than the official or employee whose conduct is the subject of the request, the person who is the subject of the request shall, if his or her identity is ascertainable, be provided with a copy of the request and the acknowledgement letter.
2. When an advisory opinion request presents facts and raises

issues that have been addressed in a previously issued opinion of the Commission, the Commission may transmit the existing opinion with the acknowledgement as an expedited informal response to the opinion request. If the person requesting the opinion believes that facts or law peculiar to his or her request are contrary to the existing opinion, then his or her request shall be further processed as set forth in the subsections 3-5 below.

3. The Commission shall review the information set forth in the request and obtain other reasonably obtainable facts which allow the Commission to evaluate the conduct or activity in relation to the substantive provisions of the Cheverly Code of Ethics.
4. Advisory opinion requests shall be considered by the Commission at a meeting conducted in accordance with COMAR 19A.01.02. The person whose conduct is the subject of the request may appear at the Commission meeting considering the request and be represented by legal counsel in connection with the appearance. The Commission may also request the attendance of the requester or of any other person who can provide information relevant to its determination.
5. Any person directly involved in the advisory opinion request may be represented by counsel at any and all stages of the proceeding.

F. Issuance of Opinions

1. Advice in response to an opinion request shall be provided within 60 days of receipt of the request. Each opinion shall be committed to writing and be dated, and shall contain the names of all members of the Commission present at the meeting at which the opinion request was decided and who subscribed to the opinion. The name of any dissenter to an opinion shall be separately noted. To the extent possible, each advisory opinion shall be written so as to prevent disclosure of the identity of the subject of the opinion.
2. Advisory opinions shall be mailed to the requester, the subject, and to other interested persons, as determined in the discretion of the Commission. These advisory opinions shall also be placed on file and held for public inspection in the Cheverly town office.
3. The opinion rendered is binding on the Commission in any subsequent investigation or complaint proceeding concerning the officer or employee or other person who sought the opinion or who was the subject of the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for an advisory opinion or in statements made to the Commission concerning the situation under advisement.

#### IV. COMPLAINT PROCEDURES

##### A. Application

The complaint procedures apply to alleged violations of the Cheverly Public Ethics Law by any person subject to Section 1-8 of the Cheverly Code.

##### B. Filing of Complaints

1. Any person may file a complaint with the Commission. The complaint shall be in writing and signed by the complainant, and shall include the complainant's address and telephone number. The complaint shall allege a violation of the Ethics Code by any official, employee, appointee or candidates for public office. A complaint shall contain sufficient facts to permit a preliminary investigation to be undertaken. The Commission may reject any complaint which it deems to be plainly frivolous. In these circumstances, the Commission will notify the complainant in writing that no violation of the Ethics Code has occurred.
2. A copy of any complaint filed with the Commission shall be forwarded to the respondent.

##### C. Processing of Complaints

###### 1. General Provisions

###### a. Confidentiality

During the course of any preliminary inquiry by the Commission or following the filing of a complaint, and

unless and until the matter is referred for prosecution, or a finding of a violation has been made, the proceedings, meetings and activities of the Commission in connection with the complaint, shall be conducted in a confidential manner.

The Commission, the complainant, and the respondent shall not disclose any information relating to the complaint, including the identity of the complainant and the respondent, except as necessary to conduct the investigation. An exception to this general provision is that the identity of the complainant shall be disclosed to the respondent. Moreover, the Commission may release information at any time, if a release has been agreed to in writing by the respondent.

- b. Ex Parte (from one side only) Communications
  - i. Voting members of the Commission shall not communicate ex parte with the complainant or respondent regarding any issue of fact or law in the complaint proceeding.
  - ii. When a member of the Commission, its counsel, or its designees is aware of an ex parte communication by a voting member, the member of the Commission, its counsel, or its designees shall place on the record all written communications received, a memorandum stating the substance of all oral communications received, all written responses



to the communication, and a memorandum stating the substance of all oral responses made, and shall send copies of the communications, memoranda and responses, to all parties.

Any party wishing to rebut an ex parte communication may do so upon request within ten (10) days after notice of the communication. Members of the Commission, its counsel, or its designates, if they deem it necessary to eliminate the effect of a prohibited ex parte communication, may disqualify themselves from further participation in the proceedings, or the Commission may seek to disqualify the person, if the Commission deems it necessary, by following the procedures outlined in Section II(B)(2) above.

2. Preliminary Investigation and Review

- a. All complaints filed and not rejected by the Commission as being frivolous, shall be accepted for preliminary investigation by a member of the Commission designated to conduct the investigation (hereinafter, "investigator").
- b. The investigator shall collect evidence relating to the allegations of the complaint, sufficient to ascertain whether or not a preliminary investigation is warranted.

- c. Before conducting the preliminary investigation, the investigator shall notify the complainant by mail. The respondent will be notified by registered mail to afford the respondent an opportunity to cure or remedy any alleged violations in accordance with subsection d. below.
- d. The respondent may take action to cure or remedy all alleged violations within 15 days of receipt of the notification provided in accordance with these regulations. Evidence of a cure or remedy of alleged violations shall be presented to the investigator in writing. The complaint shall be dismissed by written order of the Commission if it finds the cure or remedy to be satisfactory, and that dismissal would not be contrary to the purposes of the Ethics Code.
- e. If a complaint is not dismissed pursuant to subsection d., the investigator shall continue the preliminary investigation of the complaint. In this preliminary investigation, the investigator may use the subpoena power of the Commission.
- f. The respondent in a complaint proceeding conducted pursuant to these regulations shall be entitled to be represented by counsel during all stages of the proceeding. The investigator shall, unless in his discretion unusual circumstances of confidentiality or privacy exist, make available to respondent or his

representative any relevant evidence at the investigator's disposal.

### 3. Subpoena Powers

- a. The Commission may administer oaths and affirmations, and issue subpoenas to compel the attendance and testimony of witnesses or for the production of papers, records, documents and other tangible objects. These subpoenas are judicially enforceable.
- b. If a complaint is not dismissed pursuant to IV C (2) or IV C (4) of these guidelines, the respondent and the investigator may, subject to the conditions in c and d of this subsection, use the subpoena power of the Commission to compel either appearances by witnesses or production of documents and tangible objects at a complaint hearing held in accordance with these regulations.
- c. The Commission may only issue a subpoena to the investigator or quash a subpoena served by respondent, after a hearing in which at least three members of the Commission find the issuance or quashing of the subpoena is necessary.
- d. The respondent may use the Commission's subpoena power without a hearing. If, however, a person subject to respondent's subpoena submits in writing an objection to a subpoena issued by respondent, the Commission shall have an immediate hearing on the issue and as to whether the subpoena should be quashed.

4. Preliminary Determination

a. Dismissal:

When the investigator determines that the evidence does not raise a sufficient likelihood of a violation of the Ethics code to merit further proceedings, the complaint may be dismissed but only by written order of the Commission.

b. Notification of Dismissal:

Copies of any order dismissing a complaint pursuant to subsection a. above shall be promptly sent to the complainant and the respondent.

c. Non-Ddismissal:

When the investigator determines that the evidence does raise a sufficient likelihood of a violation of the Ethics Code, the Commission shall hold a hearing on the complaint, proceeding in accordance with the hearing procedures set forth herein.

d. Referral:

If the Commission, its counsel, or its designees, in the course of considering a complaint, finds that there are reasonable grounds to believe that a respondent may have committed a criminal offense, the matter may be referred to the appropriate prosecuting authority. The Commission shall make available to the prosecuting authority all pertinent evidence under its control.

D. Complaint Hearings

1. Hearing Notice:

The complainant and respondent shall be given written notice of the hearing. This notice shall include:

- a. A statement of the time, place and nature of the hearing;
- b. A statement that the hearing is to be held under the legal authority of the Cheverly Ethics Code and under the jurisdiction of the Commission;
- c. A reference to the relevant sections of the statutes, regulations and rules of procedure involved.
- d. A short and simple statement of the matters asserted. If the Commission is unable to state the matters in detail at the time the hearing notice is served, the initial notice may be limited to a statement of the issues involved. Therefore, upon application, a more definite and detailed statement shall be furnished.

2. Waiver of Hearing

A respondent, with the concurrence of the Commission, may waive the right to a formal hearing, and consent to a decision based upon the facts alleged in the hearing notice or otherwise agreed.

3. Alternative Disposition

Before the hearing, disposition of the complaint may be made by the Commission itself, such as when it decides (1) that the alleged complaint is not a violation of the Ethics Code, or (2) that the complainant fails to provide adequate

evidence for the complaint.

Disposition of the complaint may also be made by an agreed settlement between the investigator and the respondent and approved by the Commission or by a consent order agreed to by the respondent.

4. Conduct of the Hearing by the Chairperson:

- a. The hearings generally shall be conducted in accordance with the Administrative Procedures Act (State Government Article 10.101 through 10.214).
- b. The Commission's Chairperson shall convene the hearing and shall read the complaint allegations. In addition to the powers set forth herein, the Commission Chairperson shall generally have the power to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order.
- c. The Commission Chairperson shall have the power to rule on offers of proof and receipt of evidence in accordance with the following general principles:
  - i. Any relevant evidence, including hearsay of probative value, shall be admissible.
  - ii. Persons appearing before the Commission to provide oral evidence shall be under oath.
  - iii. Evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs shall be admitted and given probative value. The rules of privilege

shall be given effect, and incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded.

iv. All evidence, including records and documents in the possession of the Commission, of which it desires to avail itself, shall be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or through incorporation by reference.

d. The Commission Chairperson shall have the power to consider and rule upon all motions appropriate to the proceedings.

e. The Commission Chairperson may designate another Commission member to preside at a Commission hearing conducted pursuant to this chapter. The member so designated may exercise all of the powers assigned to the Chairperson by this section.

5. Presentation of Evidence:

a. The Ethics Commission Counsel or another counsel designated by the Commission shall present to the Commission all evidence available to them relating to the complaint, unless the Commission decides that attendance of counsel is not warranted.

b. The respondent may present evidence either through counsel or on his or her own behalf.

c. Only the respondent and the Commission Counsel or other

counsel designated by the Commission, shall be treated as parties to the complaint proceeding.

6. Rights of Parties:

Both the complainant and the respondent shall have the right to:

- a. Present opening and closing statements;
- b. Call witnesses and present evidence;
- c. Cross-examine every witness called by the Commission or by the other party;
- d. Challenge any witness regardless of which party first called him or her to testify; and
- e. Rebut all evidence presented.

7. Hearing Record

- a. A verbatim record (i.e., taped recording) shall be made of the entire hearing.
- b. A record of the hearing shall be developed including the following:
  - i. All pleadings, motions, intermediate and final rulings;
  - ii. Documentary evidence received or considered;
  - iii. Any statement of matters officially noticed;
  - iv. Any questions and offers of proof, objections, and rulings on them;
  - v. Any proposed findings and exceptions;
  - vi. The decision of the Commission issued pursuant to these procedures;



vii. Any memoranda of ex parte communications submitted pursuant to these procedures.

E. Commission Decisions

1. Findings of Facts and Conclusions of Law

After consideration of all the evidence, the Commission shall prepare a written report setting forth findings of facts and conclusions of law with respect to each of the alleged violations. The Commission shall promptly deliver or mail a copy of the finding of fact and conclusions of law in any final decision to each party of the party's attorney.

2. Dismissal

If the Commission concludes that the respondent has not violated any provisions of the Cheverly Ethics Code, it shall enter an order dismissing the complaint and shall advise the complainant and respondent accordingly.

3. Actions for Violations

If the Commission concludes that the respondent has violated any of the provisions of the Cheverly Ethics Code, it may take any of the following actions:

- a. Issue an order of compliance to cease and desist from the violation;
- b. Issue a reprimand;
- c. Recommend to the appropriate authority, if provided by law, the censure, removal, or other appropriate disciplining of the respondent.

## 6. Smith Property Booms

## Barbara Bannister

---

**From:** David Deutsch  
**Sent:** Monday, November 26, 2018 7:06 AM  
**To:** Barbara Bannister  
**Cc:** David Deutsch  
**Subject:** Fwd: Smith and Sons Booms

Barb: Pls add Smith property booms to the agenda. Let's place it early in the agenda. Let's talk later this ayem. I will call you.  
Thanks

Sent from my iPhone

Begin forwarded message:

**From:** Ray Mosley <[raymondamosley@gmail.com](mailto:raymondamosley@gmail.com)>  
**Date:** November 25, 2018 at 11:32:53 PM EST  
**To:** Cheverly Mayor <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)>  
**Cc:** CheverlyMD TownAdministrator <[townadministrator@cheverly-md.gov](mailto:townadministrator@cheverly-md.gov)>, [councilmemberward2@cheverly-md.gov](mailto:councilmemberward2@cheverly-md.gov), Julia Mosley <[juliamosley@gmail.com](mailto:juliamosley@gmail.com)>  
**Subject:** Re: Smith and Sons Booms

Thanks Mike. Just let me know when you need us there. Good luck. He has a 30 plus year record of ignoring his neighbors with whom he claims he wants to be in good standing.

We had a good Thanksgiving. Hope you did too. Ray

On Sun, Nov 25, 2018, 9:38 PM Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)> wrote:  
Ray,

I hope you and your family had a very nice Thanksgiving.

The meeting this week is designed for Smith to present potential proposals to prevent future booms. He is well aware of the community mood, and I have over 30 emails to review with him to emphasize the point. I am as frustrated with this situation as anybody, and it was made quite clear to him.

I do agree with you that if he is not serious about investing in solutions that will prevent future booms than we will need to consider legal action or ask the County Council to pass legislation that will address this issue.

Thanks,

Mike

---

**From:** Ray Mosley <[raymondamosley@gmail.com](mailto:raymondamosley@gmail.com)>  
**Sent:** Wednesday, November 21, 2018 11:47:30 AM  
**To:** Michael Callahan; David Deutsch; Julian Ivey; Julia Mosley  
**Subject:** Smith and Sons Booms

Request that this meeting be open to the public and widely noticed to the public so Smith can get a full sense of the anger of Town residents directed at Smith over Smith's long history of being a public nuisance. Request Town initiate legal action against Smith to abate Smith's conduct that impinges public health and safety.

Many Cheverly residents complained of experiencing a significant "Cheverly Boom" on the evening of November 19th at approximately 8:00PM.

The Cheverly Mayor immediately contacted the Smith & Sons Company to ask if the boom originated from their site. Smith & Sons acknowledged that the boom was from their site. In follow-up conversations, the Town expressed their disappointment that the inspection procedures, recently implemented, failed in this and other recent incidents and requested that Smith & Sons bring forth proposals that would address these failure in procedures.

Smith & Sons has agreed to come forward with new proposals as well as strengthen the existing procedures. The Town plans to meet with Smith & Sons next week to discuss their proposals.

## Barbara Bannister

---

**From:** David Deutsch  
**Sent:** Wednesday, November 21, 2018 11:29 AM  
**To:** Barbara Bannister  
**Subject:** FW: News & Announcements: Recent Cheverly Boom(s)

---

**From:** Michael Callahan  
**Sent:** Wednesday, November 21, 2018 9:35 AM  
**To:** David Deutsch  
**Cc:** Jenny Garcia; Elizabeth Mackenzie; Maurielle Stewart; Roswell Eldridge; Julian Ivey; Laila Riaz  
**Subject:** News & Announcements: Recent Cheverly Boom(s)

David D... Please have Barbara post the News and Announcements below.

All... I had a very positive discussion with Smith. He agreed that they had backslid on their agreement (including hours of operation) and needed to do more. He also proffered to build a structure of some type to better insulate the town from any further booms.

He will make some proposals next week.

Mike

=====

Town of Cheverly  
News & Announcements  
Recent Cheverly Boom(s)

Many Cheverly residents complained of experiencing a significant "Cheverly Boom" on the evening of November 19th at approximately 8:00PM.

The Cheverly Mayor immediately contacted the Smith & Sons Company to ask if the boom originated from their site. Smith & Sons acknowledged that the boom was from their site. In follow-up conversations, the Town expressed their disappointment that the inspection procedures, recently implemented, failed in this and other recent incidents and requested that Smith & Sons bring forth proposals that would address these failure in procedures.

Smith & Sons has agreed to come forward with new proposals as well as strengthen the existing procedures. The Town plans to meet with Smith & Sons next week to discuss their proposals.

## 7. Air Quality Monitoring Proposal

## David Deutsch

---

**From:** Michael Callahan  
**Sent:** Tuesday, November 27, 2018 9:37 PM  
**To:** Jenny Garcia; Elizabeth Mackenzie; Maurielle Stewart; Roswell Eldridge; Julian Ivey; Laila Riaz  
**Cc:** David Deutsch  
**Subject:** Fw: Checking In (Dr Wilson's Proposal)  
**Attachments:** Cheverlyairmonitoringnetwork\_ScopeofWorkv1.docx

Folks,

I am simply thrilled to have received this proposal from Dr Wilson. I have only briefly reviewed, and the numbers are higher than I expected but this also covers three locations: Cheverly, Bladensburg and Cedar Heights.

David D... Please put this on the agenda for Thursday. I'd like to get initial feedback to Dr Wilson on Friday.

Mike

---

**From:** Sacoby Wilson <[swilson2@umd.edu](mailto:swilson2@umd.edu)>  
**Sent:** Tuesday, November 27, 2018 3:22 PM  
**To:** Michael Callahan  
**Subject:** Re: Checking In

Hi Mayor Callahan,

Sorry for the delay. Please see attached draft of the scope of work.

Please review and let me know if you have any questions. Let's schedule a time to chat about next steps.

Thanks,

Sacoby Wilson, PhD, MS  
Associate Professor  
Director, Community Engagement, Environmental Justice, and Health (CEEJH)  
Maryland Institute for Applied Environmental Health  
School of Public Health  
University of Maryland-College Park  
Phone Number: 301-405-3136  
Email address: [swilson2@umd.edu](mailto:swilson2@umd.edu)

Board Member, Community Campus Partnerships for Health  
Editorial Board, Environmental Justice  
Editorial Board, Citizen Science  
Senior Fellow, Environmental Leadership Program (Class of 2005)  
website: <http://sph.umd.edu/ceejh>

On Thu, Nov 8, 2018 at 11:16 AM Sacoby Wilson <[swilson2@umd.edu](mailto:swilson2@umd.edu)> wrote:

Hi Mayor Callahan,

Sorry for the delay. We've had several trips and grant proposals over the past 2-3 weeks. I hope to have a draft of the scope of work to you over the weekend or by Monday.

Thanks for your patience!

Sacoby Wilson, PhD, MS  
Associate Professor  
Director, Community Engagement, Environmental Justice, and Health (CEEJH)  
Maryland Institute for Applied Environmental Health  
School of Public Health  
University of Maryland-College Park  
Phone Number: 301-405-3136  
Email address: [swilson2@umd.edu](mailto:swilson2@umd.edu)

Board Member, Community Campus Partnerships for Health  
Editorial Board, Environmental Justice  
Editorial Board, Citizen Science  
Senior Fellow, Environmental Leadership Program (Class of 2005)  
website: <http://sph.umd.edu/ceejh>

On Mon, Nov 5, 2018 at 7:57 PM Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)> wrote:

Dr Wilson,

I just wanted to check in and see if we can talk and triangulate where we are. I am very excited about moving forward.

Mike  
(301) 789-8009



## David Deutsch

---

**From:** Roswell Eldridge  
**Sent:** Wednesday, November 28, 2018 7:21 AM  
**To:** Laila Riaz; Michael Callahan  
**Cc:** Jenny Garcia; Elizabeth Mackenzie; Maurielle Stewart; Julian Ivey; David Deutsch  
**Subject:** Re: Discussion w/Smith Staff

Could we ask our attorney if there is any way to develop an MOU with operating commitments that they sign? I'm not really sure what teeth it would have unless we get the county or MDE involved (which we may need to).

At the very least, we should include Jolene Ivey in her district 5 capacity.

RJ Eldridge  
Cheverly Ward 3 Councilmember

---

**From:** Laila Riaz <[councilmemberward1@cheverly-md.gov](mailto:councilmemberward1@cheverly-md.gov)>  
**Sent:** Wednesday, November 28, 2018 1:45 AM  
**To:** Michael Callahan  
**Cc:** Jenny Garcia; Elizabeth Mackenzie; Maurielle Stewart; Roswell Eldridge; Julian Ivey; David Deutsch  
**Subject:** Re: Discussion w/Smith Staff

Hello Mike,  
Thank you for this.  
Would like to discuss.  
Failure on operating hours is a breach of trust. In some ways it bothers me more than what one could understand to be accidental booms.  
Also, reporting requirements of each boom and all stop of operations following a boom complaint should be in the table and supported at the county level. We should also report violations of promised operating hours and continued booms as part of the input process for intensified operation at the site.

Take Care,  
Laila  
202-258-6167

Sent from my iPhone

On Nov 27, 2018, at 10:26 PM, Michael Callahan <[mayor@cheverly-md.gov](mailto:mayor@cheverly-md.gov)> wrote:

Hey Folks,

Just a very quick update on my conversation with two folks from Smith's management team today. Here are the main points made in the meeting:

Me:

- Disappointed that new procedures are failing.
- Disappointed that hours of operation have evolved
- Disappointed that inspectors have failed.
- Next steps are law suits or initiate county legislation
- They need to invest, if they have any chance of continuing operation.

Them:

- Got it
- Exploring, structures to surround Shredder to absorb sound.
- Have identified structures in Midwest around shredders
- Returning to hours
- Weekly Status until resolved

Just FYI, we can discuss Thursday if you like.

Mike

## Scope of Work

**PROJECT TITLE: Development of a Hyper Local Air Quality Monitoring Network for Cheverly-Capitol Heights-Bladensburg**

### **I. Purpose**

Seeking to address concerns over air pollution related to local industrial activities and traffic, Dr. Sacoby Wilson and team with the Community Engagement, Environmental Justice, and Health (CEEJH) Laboratory at the University of Maryland School of Public Health will work with the towns of Cheverly, Capitol Heights and Bladensburg, Maryland to develop a hyper local air pollution monitoring network. The network will use low-cost real-time sensors to provide baseline air quality data that can be used for understanding pollution levels near sources of concern, educate local residents, inform decision-making about future industrial expansion, and help with mitigation efforts.

We will prioritize monitoring near the following stationary sources: 1) the World Recycling Co. E-waste recycling facility in Cheverly (38.917306, -76.911286), the Smith and Sons Scrap Metal Recycling facility in Capitol Heights (38.915069, -76.931704), the LaFarge North America concrete batch plant in Capitol Heights (38.906880, -76.905092), and the Ernest Maier Co. concrete block plant in Bladensburg (38.939446, -76.937705). In addition to these stationary sources of pollution, their associated mobile sources of pollution (including fossil fuel burning vehicles such as trucks, heavy equipment and locomotives), and pollution related to commuter traffic will also be investigated as these represent a high concern for residents in nearby neighborhoods.

### **II. BACKGROUND ON POLLUTION SOURCES.**

***Metal and E-waste Recycling Facilities.*** Metal or scrap recycling creates several concerns for environmental and occupational health. In China, researchers have linked e-waste (scrap electronics) open-air burning to levels of cadmium, copper, lead, and zinc in soil and crops; levels that exceeded government regulations for food (Luo et al. 2010). Smelting and burning of Automotive Shredder Residue (ASR), plastic or other non-metal components of scrapped vehicles, can also produce incredibly toxic persistent organic pollutants (POPs) such as polychlorinated biphenyls (PCBs), dibenzo-p-dioxins (PCDDs), and dibenzofurans (PCDFs) (Buekens & Zhou, 2014; Nie et al. 2012; Tysklind et al. 1989). Direct emissions aside, vehicles used for loading and unloading scrap metal are another source of air pollution. Given the building materials of many modern electronics that are scrapped, workers in the scrap industry have increased risk of exposure to toxic metals including cadmium and mercury.

***Concrete Block Facilities.*** Industries which manufacture and utilize cement release about 5% of global carbon emissions (most notably CO<sub>2</sub>) and consume high amounts of energy (Huntzinger & Eatmon, 2009). The production of concrete involves the mixing of cement with fine aggregate (e.g. sand), coarse aggregate (e.g., gravel, crushed stone, or iron blast furnace slag), water and, in some cases, small amounts of chemicals known as admixtures or pozzolan minerals (e.g., fly ash, silica fume) (Office of Air Quality Planning and Standards, Office of Air and Radiation, & US EPA, 2006). Chemical dust (a visible pollutant of cement and pozzolans) is released in considerable amounts by concrete production. Cement or concrete plant emissions can be classified as fugitive

(not released via a vent or stack, e.g. dust from stockpiles, materials handling, and PM from vehicular movements) or point source emissions (released through a single point source, via a vent or stack, into the atmosphere) (Gupta, Majumdar, Trivedi, & Bhanarkar, 2012).

Potential sources of PM and VOC emissions from concrete plants include raw material handling, storage, bulk loading and packaging of final product. Also, particulates released from cement industry fall within 0.05 to 5.0 microns in diameter, while, plants without dust control technology emit particles less than 10 and 2.5 microns (Gupta et al., 2012; Schuhmacher, Domingo, & Garreta, 2004). Currently, there is limited information on the emission of  $PM_{2.5}$  and VOCs from cement and concrete batching plants; however, crystalline silica, lime, gypsum, nickel, cobalt and chromium compounds, all of which are detrimental to human health, are found in cement (Gupta et al., 2012). Research has shown linkages between exposure to cement dust and adverse effects on human health. Construction workers exposed to inorganic dust (e.g., asbestos, man-made material fibers, cement, concrete and quartz) had increased chronic obstructive pulmonary disease (COPD) mortality (Bergdahl et al., 2004). Also, concrete and cement workers had a higher risk of COPD and nonspecific lung disease because of exposure to inorganic dust (Heederik, Kromhout, Burema, Biersteker, & Kromhout, 1990; Hnizdo, Sullivan, Bang, & Wagner, 2002). Blue-collar workers (e.g., contractors, plumbers, construction and cement workers) exposed to inorganic dust have increased risks of developing IgG4-related diseases (i.e., autoimmune pancreatitis) (de Buy Wenniger, Culver, & Beuers, 2014). One study found an increased risk in hospitalizations for cardiovascular or respiratory illnesses due to exposure from cement plant emissions, with children being more susceptible (Bertoldi et al., 2012). Residing near a cement plant leads to an increased risk of mucous membrane of the eye and respiratory system from exposure to emissions (including particulate matter) (Mehraj, Bhat, & Balkhi, 2013; Nkhama, Ndhlovu, Dvonch, Siziya, & Voyi, 2015).

***Traffic-Related Air Pollution (TRAP).*** PM emissions from road transport are classified based on the method of formation. It is assumed generally that the principal method of PM formation is via combustion of fuels (gasoline and diesel) through internal combustion engines which release emission via the vehicle's tailpipe (Alvarez-Vázquez, García-Chan, Martínez, & Vázquez-Méndez, 2017; Kim, Kabir, & Kabir, 2015; Mustafic et al., 2012; US EPA, 2015). However, total road transport emissions encompass the relationships between vehicles, road surfaces and the use of brakes. These interactions generate PM in the form of non-exhaust emissions. Non-exhaust emissions result from tire wear, brake wear, road surface wear (occurs via mechanical abrasion, grinding, crushing and corrosion processes) and resuspension of the dust on road surfaces (Mustafic et al., 2012; US EPA, 2015). Exhaust emissions contribute fine particulate matter ( $PM_{2.5}$  less than 2.5 microns in size) while non-exhaust emissions contribute coarse particulate ( $PM_{2.5-10}$ ; ranging in size from 2.5 - 10 microns) into the atmosphere (Alvarez-Vázquez et al., 2017; Mustafic et al., 2012).

As an important source of air pollutants, vehicular emissions have been associated with particulates, carbon monoxide (CO), sulfur oxides ( $SO_x$ ), nitrogen oxides ( $NO_x$ ), heavy metals, particulate matter (PM), volatile organic compounds (VOCs), and polycyclic aromatic hydrocarbons (PAHs) (US EPA, 2015). These air pollutants can lead to a wide range of adverse health effects including: acute and chronic cough, bronchitis, asthma, reduced lung function, lung cancer, cardiovascular disease, decreased cognitive function, emergency visits and increase in hospitalizations in children, and increased mortality risk

after hospitalization with acute heart failure (Afroz, Hassan, & Ibrahim, 2003; Arias-Ortiz, Icaza-Noguera, & Ruiz-Rudolph, 2017; Fernández-Navarro, García-Pérez, Ramis, Boldo, & López-Abente, 2017; Mecklenburg County, North Carolina, 2014; NJDEP, 2018; TCEQ, 2018; US EPA, 2016). Maternal exposure to TRAP can increase the risk of preeclampsia and preterm birth. Exposure to PM can lead to premature death in people with lung or heart disease, increase in stroke attack, increases in blood pressure, central nervous system diseases such as Alzheimer's, decreased life expectancy and cancer (Colville, Hutchinson, Mindell, & Warren, 2001; Hirsch et al., 1999; O'Connor et al., 2008; Shah et al., 2013; Wjst et al., 1993).

**III. TARGET-AREA PROFILE.** The environmental and demographic results from an Environmental Protection Agency (US EPA) EJScreen review of the Cheverly-Capitol Heights-Bladensburg area reveal the following. Cheverly was ranked in the 35th percentile for particulate matter, 84th percentile for diesel particulate matter and 85th percentile for air toxic cancer risk (Table 1). Additionally, 75% of the population includes people of color, 25% of the population are listed as low-income, and 14% of the population have less than a high school education. Capitol Heights was ranked in the 32nd percentile for particulate matter, 72nd percentile for diesel particulate matter and 59th percentile for air toxic cancer risk (Table 6) with 99% of the population composed of people of color, 23% of the population listed as low-income and 18% of the population having less than a high school education. Bladensburg was ranked in the 39th percentile for particulate matter, 92nd percentile for diesel particulate matter and 88th percentile for air toxic cancer risk (Table 2) with 95% of the population including people of color, 44% of the population listed as low-income and 34% of the population having less than a high school education.

**IV. GOALS OF THE AGREEMENT.** The UMD team will collaborate with the towns of Cheverly, Capitol Heights, and Bladensburg to build a hyper local air quality monitoring network near industrial sources of concern and spaces of common, public value (including schools, community centers, libraries, parks, and churches and other places of worship). These locations will serve as stationary monitoring sites.

This network will utilize two types of air quality sensors: 1) the Purple Air PA-II and 2) the Aeroqual AQY1. These sensors monitor the air quality 24 hours per day with adjustable settings to measure data at 1, 5, 10, 15, 20, and 30 minute intervals; or 1, 2, 4, 8, 12, and 24 hour intervals. Purple Air sensors are real-time, fixed sensors which utilize dual laser beam technology to detect particulate matter ( $PM_{10}$ ,  $PM_{2.5}$ , and  $PM_1$ ) particles by their reflectivity, calculating particle weights from these counts. Aeroqual AQY1 sensors are small and cost-effective fixed sensors which monitor particulate matter, ozone, and nitrogen dioxide in addition to temperature, humidity, and dewpoint. Like the PA-II sensors, the AQY1 uses laser-scattering technology to detect particulates but only in the  $PM_{2.5}$  size range. The benefit of these units over the PA-II is the capability to store thousands of data points on the 16GB SDHC memory card in case of a cellular network outage. The sensors will be installed in shaded areas, away from direct sunlight and away from vents and other sources of pollution. These sensors will be attached to the exterior walls of houses and buildings in affected neighborhoods with each sensor placed eight to ten feet off of the ground. Data collected by these sensors is transmitted to a cloud database where it can be stored and downloaded via the sensor manufacturer's website. Each sensor will be connected to a power source (most likely

the building's electrical power) and Wi-Fi (via dedicated cellular mobile hotspots or building's internet).

**V. OBJECTIVES AND DELIVERABLES**

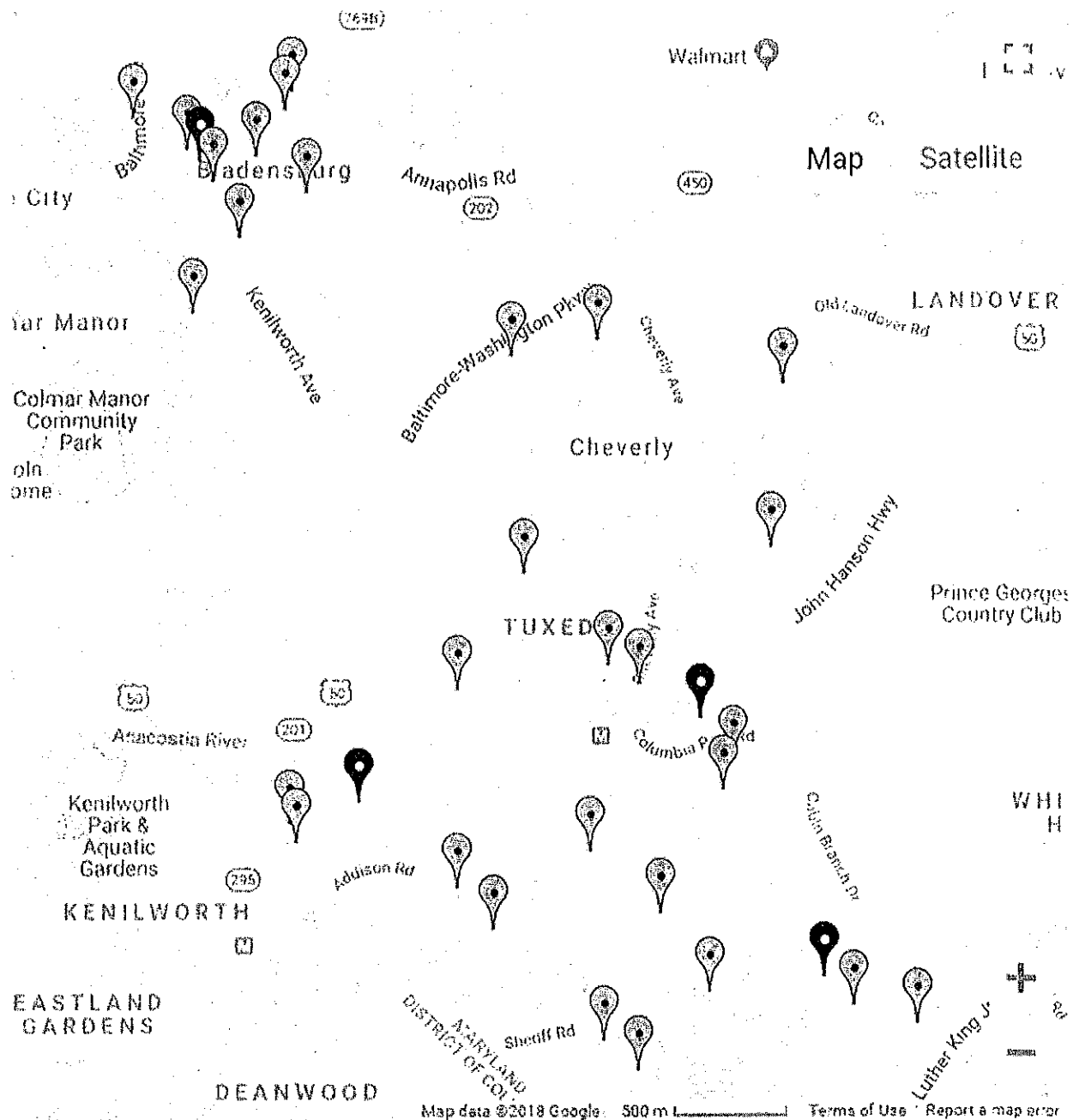
**Objective 1: Collaborate with community leaders to develop an Air Quality**

**Monitoring Plan.** The research team will work with the Mayor of Cheverly as well as local community leaders and residents to determine specific air monitoring locations for the sensors. Primary monitoring will occur near the following pollution sources: World Recycling Co. E-waste Recycling Facility, the Smith and Sons Scrap Metal Recycling Facility, LaFarge North America Concrete Block Plant, and Ernest Maier Co concrete block plant). Additional locations should include areas of high community significance at human receptor sites near the stationary pollution sources and heavily trafficked roadways (such as schools, parks, homes, churches, libraries). To determine spatial gradient of air quality, sensors will be located close and far away from the sources of pollution. We will meet with the Mayor to obtain feedback on the locations for the sensors.

**Deliverable(s).** Partners will develop selection criteria based on community priorities and utilize the EPA's EJScreen tool to select sensor locations. Partners will produce both a map for visualizing these sites as well as a summarized list of locations and rationale for selecting them. See following map for possible locations of stationary monitors in communities of concern.

Outcome start date: February 1, 2019

Outcome end date: February 28, 2019



**Figure 1. Sensor Locations (n=30) for Cheverly-Bladensburg-Capitol Heights Air Quality Monitoring Network.** This map indicates stationary sources of concern (black pins), Aeroqual AQY1 fixed sensors collocated with Purple Air mobile sensors (red pins), and ancillary Purple Air mobile sensors for local and hyperlocal air quality monitoring (See Table 8 for complete list of monitoring locations).

**Objective 2: Sensor Deployment.** Utilizing the Air Monitoring Plan established under Objective 1, members of the research team will install sensors in two phases. Prospectively, the major elements of the monitoring plan will be fenceline and neighborhood monitoring. Fenceline monitoring captures emissions near the periphery of industrial facilities. Fenceline monitoring will be conducted near the Joseph Smith and Sons and the World Recycling Center in Cheverly, near the concrete batch plant on

Sheriff Road, and near the concrete block plant in Bladensburg. While, neighborhood monitoring will occur at points farther away from facilities such as intersections with industrial and commuter traffic and points of interest where residents can be exposed to air pollution. This monitoring will help us assess the spatial gradient of air pollutants of concern.

**Phase I - Deploy Aeroqual Sensors.** We will install six Aeroqual sensors at the fenceline of the industrial sources of concern. Smith & Sons Metal Recycling and World Recycling Co. will have two sensors each. While, one sensor will be installed near the Lafarge North America concrete batch plant and Ernest Maier concrete block plant.

**Phase II - Deploy Purple Air Sensors.** Also, six Purple Air sensors will be installed at the fence-line of each facility and will be collocated with the Aeroqual sensors. Twenty four Purple Air sensors will be placed at human receptor locations which have been identified and will be agreed on with the Mayor and other stakeholders. Residential monitoring will take place at schools, libraries, parks, town halls, churches, and other identified locations (see map and locations below).

**Deliverable(s):** Research team will install six (6) Aeroqual AQY1 sensors and twenty-four (24) Purple Air PA-II sensors at locations agreed upon in the Air Quality Monitoring Plan.

Outcome Start Date: March 1, 2019

Outcome End Date: May 31, 2019

**Objective 3. Data Collection and Sensor Maintenance.** We will check the sensors daily on the manufacturer's website to ensure that they are up and running. Also, we will visit the monitoring sites monthly to check the sensors and clean the external surfaces if needed. During our monthly visits, we will examine the site features to ensure that there have not been any significant changes to the landscape. Furthermore, we may switch the sensors out with new sensors due to drift or failure as needed based on advice from the manufacturers.

**Deliverable(s):** Research team will perform installation, initial set-up, and periodic maintenance of air quality monitoring network. All such events will be recorded in a data log and made available to Mayor and community members for purposes of transparency and future instruction.

Outcome start date: June 1, 2019

Outcome end date: May 31, 2024

**Objective 4. Transparent Data Management, Interpretation, and Dissemination.**

**Data Management.** To meet the US EPA's regulatory data requirements of at least 75% data completeness--that is, the amount of valid data obtained compared to the amount expected to be obtained--the research team will periodically download data from the sensor manufacturer's cloud server and stored on local servers at both the University of Maryland and the Mayor's Office. In Year 1, data will be downloaded on a weekly basis and once every other week thereafter. At each download interval, data will be analyzed for potential errors and discrepancies. All data collected through this project will be made accessible to stakeholders via a central database. The research team will work with the town's data specialists (where available) to determine what virtual hosting options can



be used. Potential platforms include: Google Drive, Box, and Dropbox, as well as the unique project website.

**Data Interpretation.** The team will meet with the Mayor of Cheverly and community members to determine desired and most effective ways of displaying and interpreting data for the target community. Potential displays include graphs of pollutant concentrations over time (revealing daily, weekly, seasonal, or yearly variation in concentrations) and maps plotting data from the sensors to display geospatial patterns in concentrations. The research team will also use the EPA's Excel-based macro analysis tool to compare data from low-cost sensors with data from regulatory monitors, and interpret their results (US EPA, 2018b). Given that all instruments have bias, accuracy, and error issues, the team will pay special attention to clearly explaining these issues to the Mayor and community members, so all parties understand the limits of the collected data—particularly regarding the effects of influencing variables such as meteorological parameters (temperature, pressure, humidity, wind speed, and wind direction) on pollutant concentrations.

**Data Dissemination.** Following guidelines from the US EPA's Citizen Science Toolkit, the research team will work with the Mayor of Cheverly and other stakeholders to design dissemination efforts to ensure maximum report back to local residents (US EPA, 2018a). For example, pollution findings can be explained in terms of the color-coded Air Quality Index (AQI) table developed by the US EPA to translate pollution measurements into potential for effects to individuals (Fig. 2; US EPA, 2014).

Air Quality Index Levels of Health Concern	Numerical Value	Meaning
Good	0 to 50	Air quality is considered satisfactory, and air pollution poses little or no risk
Moderate	51 to 100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy	151 to 200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy	201 to 300	Health warnings of emergency conditions. The entire population is more likely to be affected.
Hazardous	301 to 500	Health alert: everyone may experience more serious health effects

The research team will utilize the following platforms for disseminating data: technical reports and infographics (available as downloadable PDFs), a unique data portal website providing near real-time access to air pollution data, social media (including project-

specific Facebook, Instagram, and Twitter pages). This will encourage access on both computers and mobile devices. In addition, we plan to share information through email and text alerts with local community centers, libraries, and places of worship as local dissemination venues.

**Deliverables:** Research team will share data from the air monitoring network with the Mayor of Cheverly and local stakeholder groups through community reports, technical reports, social media pages, newsletters, and quarterly reports. The team will also hold monthly meetings with the Mayor and the residents as part of report back sessions and discuss challenges and concerns associated with the project in the first year of operating the hyperlocal monitoring network and quarterly meetings from years 2-5+. The team will also establish and manage an online helpline platform (e.g., a project contact e-mail account) where residents and interested parties can direct questions, comments, and other feedback regarding data.

Outcome start date: June 1, 2019  
Outcome end date: May 31, 2024

- VI. ADMINISTRATION.** Dr. Wilson will act as the principal investigator and project manager for the air quality monitoring network. An advisory board for this project will be developed with stakeholders from the communities of concern including the Mayor's Office. The advisory board will provide feedback during all stages of the monitoring project. The board will meet monthly via teleconference to discuss research progress, results, and share in decision-making.

**VII. TIMELINE**

We anticipate that the project will begin in February 2019. Long-term monitoring will continue at these sites for the next 1-5 years.

	February 2019	March 2019	April 2019	May 2019	June 2019 - May 31, 2024
<b>Objective 1</b>	CAB, Air Monitoring Network Plan				
<b>Objective 2</b>		Deploy Sensors			
<b>Objective 3</b>					Collect and Manage Data
<b>Objective 4</b>					Interpret and Share Data

**VIII. BUDGET AND JUSTIFICATION**

Item	Description	Cost
<b>Monitoring Devices</b>		
Purple Air Sensors	30 units at \$229.99/unit	\$ 6899.70
Aeroqual AQY1 Sensors	6 units at \$3000	\$18000.00
<b>Wi-Fi___33 for Purple Air sensors</b>		
T-mobile or Verizon hotspot @\$20/mo :2G		\$ 2400.00
<b>Total</b>		<b>\$27,299.70</b>

**Note: This budget only includes initial startup costs for sensors. It does not include percent effort for project administration including percent effort of staff for network maintenance, engagement activities, and data communication and interpretation.**

## IX. TABLE(S)

**Table 1. Environmental and Demographic Indicators for Cheverly, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.84	9.89	35	9.97	46	9.53	54
Ozone (ppb)	46.8	46.1	86	44.3	95	42.5	84
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.52	1.1	82	0.921	80-90th	0.938	80-90th
NATA* Air Toxics Cancer Risk (risk per MM)	54	45	84	42	80-90th	40	90-95th
NATA* Respiratory Hazard Index	2.7	2	87	1.8	80-90th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	1100	580	82	360	91	600	87
Lead Paint Indicator (% pre-1960s housing)	0.45	0.29	74	0.36	68	0.29	73
Superfund Proximity (site count/km distance)	0.056	0.1	55	0.14	46	0.12	54
RMP Proximity (facility count/km distance)	2.9	0.63	94	0.6	96	0.72	95
Hazardous Waste Proximity (facility count/km distance)	1.4	1.8	62	1.3	72	4.3	71
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	2.8E-05	0.19	52	100	43	30	52
<b>Demographic Indicators</b>							
Demographic Index	57%	35%	81	30%	87	36%	79
Minority Population	84%	48%	78	32%	90	38%	86
Low Income Population	30%	23%	71	28%	59	34%	49
Linguistically Isolated Population	2%	3%	61	2%	68	4%	56
Population with Less Than High School Education	13%	10%	71	11%	67	13%	60
Population under Age 5	9%	6%	77	6%	80	6%	76
Population over Age 64	10%	14%	34	15%	26	14%	31

**Table 2. Environmental and Demographic Indicators around Smith & Sons Metal Recycling Cheverly, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.8	9.81	39	9.97	45	9.53	53
Ozone (ppb)	46.8	46.8	30	44.3	95	42.5	84
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.63	2.5	18	0.921	80-90th	0.938	80-90th
NATA* Air Toxics Cancer Risk (risk per MM)	52	60	8	42	80-90th	40	80-90th
NATA* Respiratory Hazard Index	2.7	3.4	5	1.8	80-90th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	910	470	87	360	89	600	86
Lead Paint Indicator (% pre-1960s housing)	0.65	0.61	48	0.36	79	0.29	85
Superfund Proximity (site count/km distance)	0.14	0.23	43	0.14	76	0.12	80
RMP Proximity (facility count/km distance)	2.1	0.64	97	0.6	93	0.72	91
Hazardous Waste Proximity (facility count/km distance)	0.95	3.6	1	1.3	83	4.3	83
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.00073	0.57	13	100	80	30	86
<b>Demographic Indicators</b>							
Demographic Index	68%	48%	73	30%	92	36%	87
Minority Population	93%	64%	70	32%	94	38%	92
Low Income Population	42%	32%	66	28%	78	34%	68
Linguistically Isolated Population	1%	4%	45	2%	59	4%	48
Population with Less Than High School Education	12%	10%	61	11%	65	13%	59
Population under Age 5	7%	6%	59	6%	82	6%	67
Population over Age 64	12%	11%	65	15%	38	14%	45

**Table 3. Environmental and Demographic Indicators around World Recycling Co., Cheverly, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.82	9.89	34	9.97	45	9.53	53
Ozone (ppb)	46.8	46.1	86	44.3	95	42.5	84
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.41	1.1	75	0.921	80-90th	0.938	80-90th
NATA* Air Toxics Cancer Risk (risk per MM)	53	45	81	42	80-90th	40	80-90th
NATA* Respiratory Hazard Index	2.6	2	84	1.8	80-90th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	820	580	77	360	88	600	85
Lead Paint Indicator (% pre-1960s housing)	0.56	0.29	79	0.36	74	0.29	80
Superfund Proximity (site count/km distance)	0.072	0.1	64	0.14	54	0.12	62
RMP Proximity (facility count/km distance)	3.1	0.63	95	0.6	97	0.72	96
Hazardous Waste Proximity (facility count/km distance)	1.1	1.8	56	1.3	67	4.3	66
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	3.7E-08	0.19	24	100	29	30	40
<b>Demographic Indicators</b>							
Demographic Index	55%	35%	78	30%	85	36%	77
Minority Population	83%	48%	78	32%	89	38%	86
Low Income Population	26%	23%	65	28%	52	34%	42
Linguistically Isolated Population	3%	3%	65	2%	72	4%	60
Population with Less Than High School Education	12%	10%	70	11%	65	13%	59
Population under Age 5	8%	6%	69	6%	73	6%	69
Population over Age 64	11%	14%	43	15%	34	14%	40

**Table 4. Environmental and Demographic Indicators for Bladensburg, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.91	9.89	39	9.97	49	9.53	56
Ozone (ppb)	46.8	46.1	88	44.3	96	42.5	85
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.82	1.1	93	0.921	90-95th	0.938	90-95th
NATA* Air Toxics Cancer Risk (risk per MM)	56	45	89	42	80-90th	40	90-95th
NATA* Respiratory Hazard Index	2.8	2	89	1.8	90-95th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	1400	580	88	360	94	600	90
Lead Paint Indicator (% pre-1960s housing)	0.52	0.29	77	0.36	70	0.29	77
Superfund Proximity (site count/km distance)	0.069	0.1	63	0.14	53	0.12	61
RMP Proximity (facility count/km distance)	1.5	0.63	86	0.6	89	0.72	86
Hazardous Waste Proximity (facility count/km distance)	0.46	1.8	38	1.3	49	4.3	50
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.0078	0.19	86	100	76	30	79
<b>Demographic Indicators</b>							
Demographic Index	64%	35%	88	30%	90	36%	84
Minority Population	91%	48%	84	32%	93	38%	91
Low Income Population	37%	23%	79	28%	70	34%	59
Linguistically Isolated Population	12%	3%	93	2%	84	4%	87
Population with Less Than High School Education	30%	10%	95	11%	85	13%	89
Population under Age 5	8%	6%	71	6%	74	6%	70
Population over Age 64	8%	14%	25	15%	19	14%	22

**Table 5. Environmental and Demographic Indicators around Ernest Maier Bladensburg, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.9	9.89	39	9.97	40	9.53	56
Ozone (ppb)	46.8	46.1	88	44.3	96	42.5	85
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.72	1.1	90	0.921	90-95th	0.938	80-90th
NATA* Air Toxics Cancer Risk (risk per MM)	55	45	88	42	80-90th	40	90-95th
NATA* Respiratory Hazard Index	2.8	2	89	1.8	90-95th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	1100	580	83	360	91	600	88
Lead Paint Indicator (% pre-1960s housing)	0.61	0.29	81	0.36	76	0.29	82
Superfund Proximity (site count/km distance)	0.06	0.1	57	0.14	48	0.12	56
RMP Proximity (facility count/km distance)	1.5	0.63	86	0.6	89	0.72	86
Hazardous Waste Proximity (facility count/km distance)	0.46	1.8	38	1.3	49	4.3	50
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.0082	0.19	86	100	77	30	79
<b>Demographic Indicators</b>							
Demographic Index	63%	35%	87	30%	90	36%	84
Minority Population	90%	48%	83	32%	92	38%	90
Low Income Population	37%	23%	79	28%	70	34%	60
Linguistically Isolated Population	13%	3%	93	2%	94	4%	87
Population with Less Than High School Education	31%	10%	95	11%	95	13%	90
Population under Age 5	8%	6%	71	6%	75	6%	71
Population over Age 64	9%	14%	31	15%	23	14%	27

**Table 6. Environmental and Demographic Indicators for Capitol Heights, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.7	9.81	17	9.97	42	9.53	50
Ozone (ppb)	46.7	46.6	14	44.3	94	42.5	84
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.42	2.5	6	0.921	80-90th	0.938	80-90th
NATA* Air Toxics Cancer Risk (risk per MM)	52	60	9	42	80-90th	40	80-90th
NATA* Respiratory Hazard Index	2.7	3.4	3	1.8	80-90th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	140	470	29	360	58	600	56
Lead Paint Indicator (% pre-1960s housing)	0.43	0.61	25	0.36	65	0.29	72
Superfund Proximity (site count/km distance)	0.13	0.23	35	0.14	73	0.12	78
RMP Proximity (facility count/km distance)	1.1	0.64	87	0.6	83	0.72	79
Hazardous Waste Proximity (facility count/km distance)	1.2	3.6	6	1.3	67	4.3	67
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.92	0.57	87	100	94	30	95
<b>Demographic Indicators</b>							
Demographic Index	70%	48%	76	30%	93	36%	88
Minority Population	98%	64%	83	32%	97	38%	98
Low Income Population	41%	32%	64	28%	76	34%	66
Linguistically Isolated Population	1%	4%	43	2%	58	4%	47
Population with Less Than High School Education	17%	10%	77	11%	79	13%	71
Population under Age 5	8%	6%	66	6%	74	6%	70
Population over Age 64	11%	11%	60	15%	35	14%	41

**Table 7. Environmental and Demographic Indicators for Lafarge North America Concrete Batch Plant, Sheriff Road, Maryland (EJScreen)**

Selected Variables	Value	State Average	Percentile in State	EPA Region Average	Percentile in EPA Region	USA Average	Percentile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	9.75	9.89	30	9.97	43	9.53	52
Ozone (ppb)	46.7	46.1	85	44.3	95	42.5	84
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.27	1.1	64	0.921	70-80th	0.938	70-80th
NATA* Air Toxics Cancer Risk (risk per MM)	52	45	77	42	80-90th	40	80-90th
NATA* Respiratory Hazard Index	2.5	2	78	1.8	80-90th	1.8	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	62	580	33	360	46	600	43
Lead Paint Indicator (% pre-1980s housing)	0.45	0.29	74	0.36	66	0.29	73
Superfund Proximity (site count/km distance)	0.091	0.1	72	0.14	62	0.12	69
RMP Proximity (facility count/km distance)	2.7	0.63	94	0.6	96	0.72	95
Hazardous Waste Proximity (facility count/km distance)	1.3	1.8	60	1.3	70	4.3	69
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	1.7E-08	0.19	24	100	29	30	40
<b>Demographic Indicators</b>							
Demographic Index	64%	35%	88	30%	90	36%	84
Minority Population	98%	48%	95	32%	97	38%	97
Low Income Population	29%	23%	70	28%	58	34%	48
Linguistically Isolated Population	2%	3%	57	2%	65	4%	53
Population with Less Than High School Education	15%	10%	77	11%	73	13%	66
Population under Age 5	7%	6%	58	6%	62	6%	57
Population over Age 64	13%	14%	51	15%	41	14%	48

**Table 8. List of Pollution Sources and Potential Air Quality Sampling Locations**

Site Name	Site Address	Sensor Type
Ernest Maier Concrete Block Plant	4700 Annapolis Rd, Bladensburg, MD 20710	Pollution Source
LaFarge North America Concrete Batch Plant*	5850 Sheriff Rd, Capitol Heights, MD 20743	Pollution Source
Joseph Smith & Sons Inc Scrap Metal Recycling	4501 S Street, Capitol Heights, MD 20743	Pollution Source
World Recycling Co	5600 Columbia Park Rd, Cheverly, MD 20785	Pollution Source
Kingdom Missionary Baptist Church	4107 47th St, Bladensburg, MD 20710	Aeroqual AQY1
Bladensburg Elementary School	4915 Annapolis Rd, Bladensburg, MD 20710	Purple Air PA-II
Bladensburg Town Hall	4229 Edmonston Rd, Bladensburg, MD 20710	Purple Air PA-II
Bladensburg Branch Library	4820 Annapolis Rd, Bladensburg, MD 20710	Purple Air PA-II
Bladensburg Fire Department	4213 Edmonston Rd, Bladensburg, MD 20710	Purple Air PA-II
George Washington House	4302 Baltimore Avenue, Bladensburg, MD 20710	Purple Air PA-II

Kenilworth Tower Apartments	3801 Kenilworth Avenue, Bladensburg, MD 20710	Purple Air PA-II
U-Store Self Storage	4151 Kenilworth Avenue, Bladensburg, MD 20710	Purple Air PA-II
Market Master House	4006 48th Street, Bladensburg MD, 20710	Purple Air PA-II
Cedar Heights Community Center	1200 Glen Willow Drive, Capitol Heights, MD 20743	Aeroqual AQY1
Community Temple Church	6207 State Street, Cheverly, MD 20785	Aeroqual AQY1
Hosanna Worship Church Christ	1723 Kenilworth Avenue, Capitol Heights, MD 20743	Aeroqual AQY1
Spirit of Peace Baptist Church	4311 R Street, Capitol Heights, MD 20743	Aeroqual AQY1
Gray Elementary School	4949 Addison Rd, Capitol Heights, MD 20743	Purple Air PA-II
Addison Chapel Apartments	1525 Elkwood Ln, Capitol Heights, MD 20743	Purple Air PA-II
Chapel Oaks County Fire Station	5544 Sheriff Rd, Capitol Heights, MD 20743	Purple Air PA-II
Fairmount Heights Branch Library	5904 Kolb St, Capitol Heights, MD, 20743	Purple Air PA-II
Cheverly Nature Park	Cheverly, MD 20743	Purple Air PA-II
Fairmount Heights Park	5395 Sheriff Rd, Fairmount Heights, MD 20743	Purple Air PA-II
Public Storage	5556 Tuxedo Road, Hyattsville, MD 20781	Purple Air PA-II
Cheverly Police Department/Community Center	6401 Forest Rd, Cheverly, MD 20785	Purple Air PA-II
Gladys Noon Spellman Elementary School	3324 64th Ave, Cheverly, MD 20785	Purple Air PA-II
Cheverly Euclid Street Neighborhood Park	5610 Euclid St, Cheverly, MD 20785	Purple Air PA-II
Hoyer Early Childhood Center	2300 Belleview Ave, Cheverly, MD, 20785	Purple Air PA-II



UM Prince George's Hospital Center	3001 Hospital Dr, Hyattsville, MD 20785	Purple Air PA-II
Jesse Warr Recreation Center	5200 North Englewood Drive, Hyattsville, MD 20785	Purple Air PA-II
Washington Baptist Church	1409 Ivywood Ave, Hyattsville, MD 20785	Purple Air PA-II
Magruder Spring Historic Landmark	2202 Cheverly Avenue, Cheverly, MD 20785	Purple Air PA-II
Boyd Park	1801 64th Avenue, Hyattsville, MD, 20785	Aeroqual AQY1
Booker T Homes Neighborhood Park	1250 Booker Terrace, Landover, MD 20785	Purple Air PA-II

## References

- Afroz, R., Hassan, M. N., & Ibrahim, N. A. (2003). Review of air pollution and health impacts in Malaysia. *Environmental Research*, 92(2), 71–77.  
[https://doi.org/10.1016/S0013-9351\(02\)00059-2](https://doi.org/10.1016/S0013-9351(02)00059-2)
- Alvarez-Vázquez, L. J., García-Chan, N., Martínez, A., & Vázquez-Méndez, M. E. (2017). Numerical simulation of air pollution due to traffic flow in urban networks. *Journal of Computational and Applied Mathematics*, 326(Supplement C), 44–61.  
<https://doi.org/10.1016/j.cam.2017.05.017>
- Arias-Ortiz, N. E., Icaza-Noguera, G., & Ruiz-Rudolph, P. (2017). Thyroid cancer incidence in women and proximity to industrial air pollution sources: A spatial analysis in a middle size city in Colombia. *Atmospheric Pollution Research*.  
<https://doi.org/10.1016/j.apr.2017.11.003>
- Bergdahl, I. A., Torén, K., Eriksson, K., Hedlund, U., Nilsson, T., Flodin, R., & Järvholm, B. (2004). Increased mortality in COPD among construction workers exposed to inorganic dust. *European Respiratory Journal*, 23(3), 402–406.  
<https://doi.org/10.1183/09031936.04.00034304>
- Bertoldi, M., Borgini, A., Tittarelli, A., Fattore, E., Cau, A., Fanelli, R., & Crosignani, P. (2012). Health effects for the population living near a cement plant: An epidemiological assessment. *Environment International*, 41, 1–7.  
<https://doi.org/10.1016/j.envint.2011.12.005>
- Colville, R. N., Hutchinson, E. J., Mindell, J. S., & Warren, R. F. (2001). The transport sector as a source of air pollution. *Atmospheric Environment*, 35(9), 1537–1565.  
[https://doi.org/10.1016/S1352-2310\(00\)00551-3](https://doi.org/10.1016/S1352-2310(00)00551-3)
- de Buy Wenniger, L. J. M., Culver, E. L., & Beuers, U. (2014). Exposure to occupational antigens might predispose to IgG4-related disease. *Hepatology*, 60(4), 1453–1454.  
<https://doi.org/10.1002/hep.26999>
- Fernández-Navarro, P., García-Pérez, J., Ramis, R., Boldo, E., & López-Abente, G. (2017). Industrial pollution and cancer in Spain: An important public health issue. *Environmental Research*, 159(Supplement C), 555–563. <https://doi.org/10.1016/j.envres.2017.08.049>
- Gupta, R. K., Majumdar, D., Trivedi, J. V., & Bhanarkar, A. D. (2012). Particulate matter and elemental emissions from a cement kiln. *Fuel Processing Technology*, 104(Supplement C), 343–351. <https://doi.org/10.1016/j.fuproc.2012.06.007>
- Heederik, D., Kromhout, H., Burema, J., Biersteker, K., & Kromhout, D. (1990). Occupational Exposure and 25-Year Incidence Rate of Non-Specific Lung Disease: The Zutphen Study. *International Journal of Epidemiology*, 19(4), 945–952.  
<https://doi.org/10.1093/ije/19.4.945>
- Hirsch, T., Weiland, S. K., von Mutius, E., Safeca, A. F., Gräfe, H., Csaplovics, E., ... Leupold, W. (1999). Inner city air pollution and respiratory health and atopy in children.

*The European Respiratory Journal*, 14(3), 669–677.

Hnizdo, E., Sullivan, P. A., Bang, K. M., & Wagner, G. (2002). Association between Chronic Obstructive Pulmonary Disease and Employment by Industry and Occupation in the US Population: A Study of Data from the Third National Health and Nutrition Examination Survey. *American Journal of Epidemiology*, 156(8), 738–746.

<https://doi.org/10.1093/aje/kwf105>

Huntzinger, D. N., & Eatmon, T. D. (2009). A life-cycle assessment of Portland cement manufacturing: comparing the traditional process with alternative technologies. *Journal of Cleaner Production*, 17(7), 668–675. <https://doi.org/10.1016/j.jclepro.2008.04.007>

Kim, K.-H., Kabir, E., & Kabir, S. (2015, January). A review on the human health impact of airborne particulate matter - ScienceDirect. Retrieved April 6, 2018, from [https://www-sciencedirect-com.proxy-](https://www-sciencedirect-com.proxy-um.researchport.umd.edu/science/article/pii/S0160412014002992)

[um.researchport.umd.edu/science/article/pii/S0160412014002992](https://www-sciencedirect-com.proxy-um.researchport.umd.edu/science/article/pii/S0160412014002992)

Mecklenburg County, North Carolina. (2014). Stationary Sources. Retrieved January 27, 2018, from

<https://www.mecknc.gov/LUESA/AirQuality/EducationandOutreach/Documents/2014StationarySources.pdf>

Mehraj, S. S., Bhat, G. A., & Balkhi, H. M. (2013). CEMENT FACTORIES AND HUMAN HEALTH -. *International Journal of Current Research and Review*, 5(18), 47–53.

Mustafic, H., Jabre, P., Caussin, C., Murad, M. H., Escolano, S., Tafflet, M., ... Jouven, X. (2012). Main air pollutants and myocardial infarction: a systematic review and meta-analysis. *JAMA*, 307(7), 713–721. <https://doi.org/10.1001/jama.2012.126>

NJDEP. (2018, January 16). WHAT ARE POINT, AREA, AND MOBILE SOURCES? Retrieved January 30, 2018, from <http://www.nj.gov/dep/airtoxics/sourceso99.htm>

Nkhama, E., Ndhlovu, M., Dvonch, J. T., Siziya, S., & Voyi, K. (2015). Prevalence and Determinants of Mucous Membrane Irritations in a Community Near a Cement Factory in Zambia: A Cross Sectional Study. *International Journal of Environmental Research and Public Health*, 12(1), 871–887. <https://doi.org/10.3390/ijerph120100871>

O'Connor, G. T., Neas, L., Vaughn, B., Kattan, M., Mitchell, H., Crain, E. F., ... Lippmann, M. (2008). Acute respiratory health effects of air pollution on children with asthma in US inner cities. *Journal of Allergy and Clinical Immunology*, 121(5), 1133–1139.e1.

<https://doi.org/10.1016/j.jaci.2008.02.020>

Office of Air Quality Planning and Standards, Office of Air and Radiation, & US EPA. (2006, June). Emission Factor Documentation for AP-42 Section 11.12 Concrete Batching. Retrieved January 16, 2018, from

<https://www3.epa.gov/ttnchie1/ap42/ch11/bgdocs/b11s12.pdf>


Schuhmacher, M., Domingo, J. L., & Garreta, J. (2004). Pollutants emitted by a cement plant: health risks for the population living in the neighborhood. *Environmental*

- Research*, 95(2), 198–206. <https://doi.org/10.1016/j.envres.2003.08.011>
- Shah, A. S., Langrish, J. P., Nair, H., McAllister, D. A., Hunter, A. L., Donaldson, K., ... Mills, N. L. (2013). Global association of air pollution and heart failure: a systematic review and meta-analysis. *The Lancet*, 382(9897), 1039–1048. [https://doi.org/10.1016/S0140-6736\(13\)60898-3](https://doi.org/10.1016/S0140-6736(13)60898-3)
- TCEQ. (2018, January 11). Sources of Air Emissions. Retrieved January 30, 2018, from [https://www.tceq.texas.gov/airquality/areasource/Sources\\_of\\_Air\\_Pollution.html](https://www.tceq.texas.gov/airquality/areasource/Sources_of_Air_Pollution.html)
- US EPA, O. (2015, May 6). Stationary Sources of Air Pollution [Collections and Lists]. Retrieved January 14, 2018, from <https://www.epa.gov/stationary-sources-air-pollution>
- US EPA, O. (2016, June 8). How Mobile Source Pollution Affects Your Health [Overviews and Factsheets]. Retrieved January 14, 2018, from <https://www.epa.gov/mobile-source-pollution/how-mobile-source-pollution-affects-your-health>
- US EPA, O. (2018a, February 5). Instruction Guide and Macro Analysis Tool: Evaluating Low-Cost Air Sensors by Collocation with Federal Reference Monitors. Retrieved from <https://www.epa.gov/air-research/instruction-guide-and-macro-analysis-tool-evaluating-low-cost-air-sensors-collocation>
- US EPA, O. (2018b, September 26). Air Sensor Toolbox for Citizen Scientists, Researchers and Developers. Retrieved from <https://www.epa.gov/air-sensor-toolbox>
- Wjst, M., Reitmeir, P., Dold, S., Wulff, A., Nicolai, T., von Loeffelholz-Colberg, E. F., & von Mutius, E. (1993). Road traffic and adverse effects on respiratory health in children. *BMJ : British Medical Journal*, 307(6904), 596–600.

**8. Liquor Board Application – De'Ranch Restaurant: Recommendation from Interim Town  
Administrator**



## MEMO

Date: November 21, 2018  
To: Mayor and Town Council  
From: David J. Deutsch   
Interim Town Administrator  
Subject: Liquor Board Application: De'Ranch

An application for a Special Entertainment Permit from the Liquor Board has been filed by De'Ranch Restaurant at 3511 Maryland Avenue. The business currently holds a Class B, Beer, Wine and Liquor License.

The Special Entertainment Permit would allow live entertainment and permit the closing hours to be extended until 3am on Friday and Saturday nights. If the Permit is granted, the restaurant must restrict access after 9pm to those people who are at least 21 years old. The business also must file and receive the approval of a security plan which is reviewed by the PGCPD.

I recommend that the Mayor and Town Council restate its 2017 position of opposition to the granting of a Special Entertainment Permit. (See attached August 18, 2017 letter.)

If you adopt a motion of opposition, a letter will be prepared to the Prince George's County Board of License Commissioners expressing the concerns of the Mayor and Council. The letter would be sent in time for the Board's December 5, 2018 hearing.

Attachment



Chairman  
Board of License Commissioners  
County Service Building 5012  
Rhode Island Avenue, Room 204  
Hyattsville, Maryland 20781

August 18, 2017

The Town Council of the Town of Cheverly continues to oppose the issuance of a Class B, Beer, Wine and Liquor License for the use of the De Revolution 2000, Inc., t/a De Ranch Restaurant, 3511 Maryland Avenue, Cheverly, 20785.

However, if the Liquor Board decides that a liquor license should be granted to De'Ranch the Town of Cheverly believes that it should be granted with conditions that have been used elsewhere in the county. These conditions are particularly appropriate given the owner's stated preference to operate a family restaurant and that this location is in close proximity to residential homes. We are specifically opposed to the use of the restaurant as a bar, lounge, or late night club.

Please consider the following conditions:

- No "Special Entertainment Permit" (no live bands, DJs, etc. ) anytime
- A maximum of one third of monthly income from alcohol
- Full menu dining service until closing (i.e., not open as a de facto late night club)
- Do not allow the service of alcohol after 11:00PM
- Reevaluate business hours six months after opening.

We do oppose the issuance of a license, however if the Liquor Board decides to issue a license we ask that it is done with the following enforceable conditions. We believe these conditions address community concerns about operating after usual dining hours and ensure that DeRanch operates safely as a family friendly restaurant only, not in any way as a bar, lounge, or late night club.

Sincerely,

Mike Callahan  
Mayor, Town of Cheverly


CC: Councilwoman Harrison, Delegate Diana Fennell, Delegate Jimmy Tarlau, Senator Victor Ramirez, Mamie Smalls, Paula Davis, Malcolm Augustine, Cheverly Town Council

## 9. Purchasing Procedures - Recommendation from Interim Town Administrator





## MEMO

Date: November 21, 2018  
To: Mayor and Town Council  
From: David J. Deutsch   
Interim Town Administrator  
Subject: Purchasing Procedures

The attached document titled "Authorization To Expend Funds" is an excerpt from a policy manual titled "Procedures & Policies – Mayor and Council". The third paragraph says:

"The Town Administrator is required to bid projects/services, other than professional services, that exceed \$5,000."

The exclusion for professional services is typical of most municipal purchasing regulations, and allows for an alternate procedure for procuring services such as attorneys, architects, engineers, etc. Usually a Request for Proposal (RFP) is prepared and firms will respond in much the same way as a typical bid process.

An interpretation question has arisen regarding the scope of the \$5000 bid requirement in relation to "projects/services".

My understanding of the language is that sealed bids need to be obtained for any acquisition of products or capital equipment when the price is expected to be \$5000 or greater.

The receipt by the Town of written quotation from vendors in some cases is not a substitute for a traditional sealed bid process.

This policy under discussion is not codified in the Town Code, and it should be. Clarification by the Mayor and Council will resolve lingering questions and avoid interpretation issues that could arise.

I have asked the Town Clerk to conduct a survey among various Prince George's County municipalities regarding their bid limit. Prior to receiving that comparative information, I would suggest the \$5000 limit is too low, and it should be replaced with, at least a \$10,000 limit.

If Mayor and Town Council agree with the thrust of this recommendation, staff will follow up by working with the Town Attorney to prepare an Ordinance to codify the regulation.

Attachment

## **AUTHORIZATION TO EXPEND FUNDS**

The Mayor and Town Council establish the annual expenditure of funds through the adoption of a budget ordinance in early June.

The Mayor and Town Council have a process for expending town funds. All attempts shall be made to authorize expenditures at the televised Town Meetings.


The Town Administrator is required to bid projects/services, other than professional services, that exceed \$5,000.

The Mayor and Town Council will make Budget Adjustments when bids, or expected expenditures exceed appropriated funding amounts. The Town Administrator shall come to the Mayor and Council to request Budget Adjustments when a particular line item fund is in jeopardy of exceeding the budget appropriation by more than 25%. The Town Administrator must also come to the Mayor and Council if any of the appropriations allocated to the General Government, Public Works and/or Police Divisions is to exceed the amount allocated for the budget year.

## 11. 63<sup>rd</sup> Avenue Drainage Complaint Report



## MEMO

Date: November 21, 2018  
To: Mayor and Town Council  
From: David J. Deutsch   
Interim Town Administrator  
Subject: 63<sup>rd</sup> Avenue Drainage Complaint

The Cheverly Mayor and Town Council, along with the Hyattsville Council, and assorted other public officials received the attached emailed complaint at 11:55pm on November 20, 2018. Mr. Torres and I visited the location today, and his preliminary assessment is attached.

As you are no doubt aware, the citizen who generated the complaint does not reside within the Town limits. The responsibility for problem resolution appears to be a combination of needed resident actions and potential County involvement. It is unlikely that the Town's 6301 Kilmer property is causing the scope of the problem described by Mr. or Ms. Hector.

We will continue to stay focused on this matter to try to get some relief for Hector, and hopefully to get him/her to understand where the responsibility lies.

We will provide a status report at the Worksession.

## David Deutsch

---

**From:** Roswell Eldridge  
**Sent:** Wednesday, November 21, 2018 3:08 AM  
**To:** Mayor and Council  
**Cc:** David Deutsch; Juan Torres  
**Subject:** Fwd: Residents of a tiny Cheverly/Hyattsville Area Need Your Help  
**Attachments:** The two Cheverlys - One Paved, another Unpaved.png; Read what is happening to a cheverly neighborhood.png; Cheverly MD - Are all Taxpayers Treated Fairly.png; Cheverly homes now flood from City's action.png

Hello

I'm forwarding a message that was sent to several member of the Cheverly council and the Hyattsville council. It is hard to tell, but I think the issues being raised are actually external to the Town, and we should enlist our county colleagues/ representatives.

I would appreciate it if the Town could assess the runoff from the 6301 Kilmer property as described in the email (and any other aspects that are potentially under our jurisdiction), as well as provide direction on who I can direct this person to at the County for assistance.

Thank you

RJ

RJ Eldridge  
Cheverly Ward 3 Councilmember

---

**From:** Fan Hector <[fanhector@gmail.com](mailto:fanhector@gmail.com)>  
**Sent:** Tuesday, November 20, 2018 11:55 PM  
**To:** Michael Callahan  
**Cc:** Laila Riaz; Julian Ivey; Roswell Eldridge; Maurielle Stewart; Jenny Garcia; Elizabeth Mackenzie; [chollingsworth@hyattsville.org](mailto:chollingsworth@hyattsville.org); [kward@hyattsville.org](mailto:kward@hyattsville.org); [blawrence@hyattsville.org](mailto:blawrence@hyattsville.org); [rcroslin@hyattsville.org](mailto:rcroslin@hyattsville.org); [swarner@hyattsville.org](mailto:swarner@hyattsville.org); [csuiter@hyattsville.org](mailto:csuiter@hyattsville.org); [twright@hyattsville.org](mailto:twright@hyattsville.org); [pjperry@hyattsville.org](mailto:pjperry@hyattsville.org); [ehaba@hyattsville.org](mailto:ehaba@hyattsville.org); [espell@hyattsville.org](mailto:espell@hyattsville.org); [jsolomon@hyattsville.org](mailto:jsolomon@hyattsville.org); [countyexecutive@co.pg.md.us](mailto:countyexecutive@co.pg.md.us); [lrthomas@co.pg.md.us](mailto:lrthomas@co.pg.md.us); [consumer@oag.state.md.us](mailto:consumer@oag.state.md.us); [assistance@vanhollen.senate.gov](mailto:assistance@vanhollen.senate.gov)  
**Subject:** Residents of a tiny Cheverly/Hyattsville Area Need Your Help

Hello Representatives,

We, the homeowners of 63rd Avenue in Cheverly Maryland voted for you, and we need your help!

!. A city water drain on Kilmer road in Cheverly directs water through the back and side to the front of our home on 63rd Avenue in Cheverly. The result: A widening 5ft by 6ft hole at the front of our home with major land cracks that extend over 30 feet between my neighbor's home and mine. Cheverly's removal of a home on Kilmer street to replace it with a dog park has resulted in significant flooding. I have videos of tributaries of

gushing storm water behind our home that has been exacerbated by the demolition of the home behind our house. I have a video, which I could figure out how to shorten and show you.

2. Our street, unlike every single other street in Cheverly, MD, has been paved and has sidewalks. Our children are unable to walk on sidewalks, like other children, and because of the horrible street conditions one can not step from the street to the stoop of his home on a rainy day without using board as a small bridge. Misdirected city water that causes significant flooding. How are elderly or disabled persons supposed to manage this?

3. Street pavings that occur in our neighborhood, invariably stop about 60ft in each direction of our home. The result, a very short portion of our street, namely the front of about 4 homes on the right and left which has remained unpaved and with significant potholes and water damage. Shouldn't the city, at least, give the appearance of being fair and equitable to its taxpayers? Neighbors who have been here for 25 years say that the street has never been paved. We've been here for 12 years and have never seen anything like this.

4. Why has this city/county/state neglected 63rd Avenue in Cheverly Maryland?

 **Video - Water Destruction in cheverly.mp4** 

Please, visit 63rd avenue in Cheverly, MD (not 63 place or street nearby). Stand between 3400 and 3402 63rd Avenue and look down at in front of your feet then look up. Do you not see a lake created from turbulent storm water from the hill behind our home? In addition, step on the property - do you not see a large 30 to 60 ft crack created by the gushing water from the city's property behind our home?

Our children, the elderly, the disabled - are literally unable to walk on our street when it rains. With no sidewalks, they could barely walk all other times.

Finally, I hope it is not considered a stretch that we are here asking: Why is the city/county/state doing this to us? Should we not take it personal that roadworkers hired by the city/county/state complete their work and 100 percent of the time leave the same small portion of our street (where our home happens to be) untouched! Please review the attachments to see the rest.

Fan Hector

To stop receiving messages from Mayor and Council group, stop following it.

## David Deutsch

---

**From:** Juan L. Torres <onepwdirector@outlook.com>  
**Sent:** Wednesday, November 21, 2018 2:30 PM  
**To:** Michael Callahan; RJ Eldridge  
**Cc:** David Deutsch  
**Subject:** Fw: 3400 63rd Avenue Fan Hector Email

Good afternoon to all,

The Town Administrator and I investigated this morning the water runoff concerns expressed on an email by Fan Hector regarding a property that abuts 6301 Kilmer Street. The first thing that must be significant is that the removal of the structure with all of its impervious surfaces increased the capacity of the immediate soils to absorb water and not the opposite. Also the immediate soils/area where these properties are located and make contact with 6301 Kilmer Street was never disturbed, touched or driven over whereby compaction would have taken place. If this is currently a problem; it is not new, not the result of the demolition; this water issue must always have been a problem exacerbated by the unusual rains the are has had this year. Now, there is a storm drain structure found on back yard of 3402 by the fence between the two properties. If this storm drain structure is blocked, this alone can be a major contributor to the erosion problem around these properties.

Now if you observe closely the attached pictures you will notice that there is a serious cavity between the two properties. You will also noticed that the property owners or someone installed corrugated pipes from the downspouts and are emptying into the cavity in front of the house. One could surmise that the erosion in front of these two houses is the result of these corrugated pipes that should have been made to go further down the front lawn.

Understand that this is a preliminary view of this situation and that I will ask the county storm drain division to consider an inspection and a clean out if necessary. Keep in mind that this county division does not appear to be the most responsive of the County agencies as the residents of Parkway would testify. Just in case the owner feels the Town would not investigate the matter I left my business card attached to the door of 3400 63rd. Avenue.

Happy Thanksgivings to all,

J. L. Torres  
Director of Public Works

**From:** Juan Luis Torres <torrestakoma@gmail.com>  
**Sent:** Wednesday, November 21, 2018 6:27 PM  
**To:** Work  
**Subject:**